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TITLE 3—THE PRESIDENT

PROCLAMATION 2770

RED CROSS MONTH, 1948

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the American National Red Cross, in accordance with the provisions of its federal charter, continues to give succor to victims of disaster, to render special services to our armed forces, and in many other ways to contribute to the health, safety, and welfare of our people; and

WHEREAS in 1947 the Red Cross expended a sum in excess of \$11,000,000 on account of disasters alone, aiding the victims of the greatest number of calamities in any single year of the organization's history; and

WHEREAS in response to a growing need, recognized by numerous medical leaders, the Red Cross has now embarked upon a national blood-donor program, designed eventually to furnish whole blood and blood derivatives to the entire Nation without cost therefor; and

WHEREAS the Red Cross must stand ready to provide assistance to millions of American war veterans in their readjustment to civilian life and to furnish added comfort, entertainment, and relaxation to those in Government hospitals; and

WHEREAS this organization, which exemplifies the noblest instinct of mankind—the desire to aid one's fellow man—is now issuing its 1948 appeal for contributions totaling \$75,000,000:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1948 as Red Cross Month; and I urge every citizen to respond as generously as possible to this humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of February in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States

of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-1591; Filed, Feb. 19, 1948;
9:28 a. m.]

EXECUTIVE ORDER 9931

AMENDMENT OF EXECUTIVE ORDER No. 9905,
DESIGNATING THE MEMBERSHIP OF THE
NATIONAL SECURITY RESOURCES BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered that paragraph 1 of Executive Order No. 9905 of November 13, 1947, entitled "Designating the Membership of the National Security Resources Board and Defining the Functions, Duties, and Authority of the Chairman of the Board," be, and it is hereby, amended to read as follows:

1. The Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor are hereby designated to be members of the Board.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 19, 1948.

[F. R. Doc. 48-1669; Filed, Feb. 19, 1948;
10:57 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing
Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES,
AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS¹ FOR OLIVE OIL

On October 23, 1947, notice of proposed rule making was published in the

¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER (12 F. R. 6913), and on October 25, 1947 was corrected (12 F. R. 6953), regarding the issuance of United States Standards for grades of olive oil. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for grades of olive oil are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947)

§ 52.476 Olive oil. Olive oil is the edible oil obtained from the fruit of the olive tree (*Olea europaea* L.), is clarified; has a specific gravity of 0.910 to 0.915 at

25° C./25° C., has an iodine number (Hanus) of 79 to 90; has a refractive index of 1.4668 to 1.4683 at 25° C., and is packed in containers suitable for preservation of the product.

(a) *Grades of olive oil.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 1.4 percent; is free from defects; and is of such quality with respect to odor and flavor as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 2.5 percent; is reasonably free from defects; possesses a reasonably good typical odor; possesses a reasonably good typical flavor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 3.0 percent; is fairly free from defects; possesses a fairly good typical odor; possesses a fairly good typical flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of olive oil that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of olive oil be filled with olive oil as full as practicable without impairment of quality.

(c) *Ascertaining the grade.* (1) The grade of olive oil may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Free fatty acid content, absence of defects, odor, and flavor.

(2) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Free fatty acid content.....	30
(ii) Absence of defects.....	30
(iii) Odor.....	20
(iv) Flavor.....	20
Total score.....	100

(d) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, and 30 points)

(1) *Free fatty acid content.* The free fatty acid content shall be determined

in accordance with the method described in the current "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists."

(i) Olive oil that possesses a free fatty acid content of not more than 1.4 percent, calculated as oleic acid, may be given a score of 27 to 30 points.

(ii) If the olive oil possesses a free fatty acid content of more than 1.4 percent but not more than 2.5 percent, calculated as oleic acid, a score of 24 to 26 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) If the olive oil possesses a free fatty acid content of more than 2.5 percent but not more than 3 percent, calculated as oleic acid, a score of 21 to 23 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(iv) Olive oil that contains more than 3 percent free fatty acid, calculated as oleic, may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from cloudiness at 60° F. due to stearin, and from sediment.

(i) Olive oil that is free from defects may be given a score of 27 to 30 points. "Free from defects" means that the olive oil is entirely free from the defects mentioned and that no water or other liquid immiscible with the olive oil is present.

(ii) If the olive oil is reasonably free from defects, a score of 24 to 26 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the olive oil is reasonably free from the defects mentioned and that no water or other liquid immiscible with the olive oil is present.

(iii) If the olive oil is fairly free from defects, a score of 21 to 23 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the defects mentioned may be present but may not impair the quality of the olive oil and that no water or other liquid immiscible with the olive oil is present.

(iv) Olive oil that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Odor.* The factor of odor refers to a typical olive oil odor and the degree of freedom from strong green olive odors, from musty, moldy, butyric, zapatera odors, or any other off-odors.

(i) Olive oil that possesses a good typical odor may be given a score of 18 to 20 points. "Good typical odor" means that the olive oil has a typical olive oil odor and is practically free from off-odors of any kind.

(ii) If the olive oil possesses a reasonably good typical odor, a score of 16 or 17 points may be given. "Reasonably good typical odor" means that the olive oil has a typical olive oil odor and is reasonably free from off-odors of any kind.

(iii) If the olive oil possesses a fairly good typical odor, a score of 14 or 15 points may be given. "Fairly good typical odor" means that the olive oil has a typical olive oil odor and is fairly free from off-odors of any kind. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(iv) Olive oil that fails to meet the requirements of subdivision (iii) of this subparagraph and that possesses a definite musty, moldy, butyric, or zapatera odor or any other definitely objectionable odor may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor.* The factor of flavor refers to the typical olive oil flavor and the degree of freedom from strong green olive flavors, from musty, moldy, butyric, zapatera, rancid, or any other off-flavors.

(i) Olive oil that possesses a good typical flavor may be given a score of 18 to 20 points. "Good typical flavor" means that the olive oil has a typical olive oil flavor and is practically free from off-flavors of any kind.

(ii) If the olive oil possesses a reasonably good typical flavor, a score of 16 or 17 points may be given. "Reasonably good typical flavor" means that the olive oil has a typical olive oil flavor and is reasonably free from off-flavors of any kind.

(iii) If the olive oil possesses a fairly good typical flavor, a score of 14 or 15 points may be given. "Fairly good flavor" means that the olive oil has a typical olive oil flavor and is fairly free from off-flavors of any kind. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(iv) Olive oil that fails to meet the requirements of subdivision (iii) of this subparagraph and that possesses a definite musty, moldy, butyric, zapatera, or rancid flavor or any other definitely objectionable flavor may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of olive oil, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the

average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for olive oil.* The following score sheet may be used to summarize the factors determining the various grades:

Size and kind of container.....	
Container code or marking.....	
Label.....	
Contents (liquid measure).....	
Factors	Score points	
I. Free fatty acid content.....	30	(A) 27-30 (B) 24-26 (C) 21-23 (D) 10-20
II. Absence of defects.....	30	(A) 27-30 (B) 24-26 (C) 21-23 (D) 10-20
III. Odor.....	20	(A) 18-20 (B) 16-17 (C) 14-15 (D) 10-13
IV. Flavor.....	20	(A) 18-20 (B) 16-17 (C) 14-15 (D) 10-13
Total score.....	100	
Grade.....		

¹ Indicates limiting rule.

(g) *Effective time.* The United States Standards for grades of olive oil (which is the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., February 16, 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 48-1497; Filed, Feb. 19, 1948;
8:51 a. m.]

Chapter VI—Soil Conservation Service

PART 600—ORGANIZATION, FUNCTIONS AND PROCEDURE

DESCRIPTION OF FIELD ORGANIZATION

By virtue of the authority vested in me under section 22, Title 5, of the United States Code, and pursuant to the provisions of section 3 of the Administrative Procedure Act (60 Stat. 238), § 600.2 of

Chapter VI of Title 7 of the Code of Federal Regulations (7 CFR, 1946 Supp.), which contains a description of the field organization of the Soil Conservation Service, is hereby amended to read as follows:

§ 600.2 *Field.* The Soil Conservation Service maintains seven regional offices, forty-eight State offices, two offices in possessions and territories, and approximately three thousand small field offices. Each regional office is directed by a Regional Conservator who is responsible for all activities of the Service within the region (except research) relating to soil and water utilization and sound land use. For each State office, there is a State Conservationist who is responsible for general administration of all Service work within the State (with the exception of research, directed from Washington, and nurseries and water conservation and utilization projects, directed from the Regional Office) Location and jurisdiction:

(a) Region I, comprising the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, West Virginia, Maryland, and Delaware, has regional headquarters at Upper Darby, Pennsylvania.

(b) Region II, comprising the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, and Puerto Rico and the Virgin Islands, has regional headquarters at Spartanburg, South Carolina.

(c) Region III, comprising the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, has regional headquarters at Milwaukee, Wisconsin.

(d) Region IV comprising the States of Arkansas, Louisiana, Oklahoma, and Texas, has regional headquarters at Fort Worth, Texas.

(e) Region V comprising the States of North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Montana, has regional headquarters at Lincoln, Nebraska.

(f) Region VI, comprising the States of Utah, Colorado, Arizona, and New Mexico, has regional headquarters at Albuquerque, New Mexico.

(g) Region VII, comprising the States of Idaho, Washington, Oregon, Nevada, California, and the Territory of Hawaii, has regional headquarters at Portland, Oregon.

(h) The locations of the State offices and the offices for possessions and territories are as follows: Auburn, Alabama; Phoenix, Arizona; Little Rock, Arkansas; Berkeley, California; Ft. Collins, Colorado; Storrs, Connecticut; Newark, Delaware; Gainesville, Florida; Athens, Georgia; Salina, Kansas; Lexington, Kentucky; Boise, Idaho; Urbana, Illinois; Lafayette, Indiana; Ames, Iowa; Alexandria, Louisiana; Orono, Maine; College Park, Maryland; Amherst, Massachusetts; East Lansing, Michigan; St. Paul, Minnesota; Jackson, Mississippi; Columbia, Missouri; Bozeman, Montana; Lincoln, Nebraska; Albuquerque, New Mexico; Reno, Nevada; Durham, New Hampshire; New Brunswick, New Jersey; Ithaca, New York; Raleigh, North Caro-

lina; Bismarck, North Dakota; Columbus, Ohio; Oklahoma City, Oklahoma; Corvallis, Oregon; Harrisburg, Pennsylvania; Kingston, Rhode Island; Columbia, South Carolina; Huron, South Dakota; Nashville, Tennessee; Temple, Texas; Salt Lake City, Utah; Burlington, Vermont; Blacksburg, Virginia; Pullman, Washington; Morgantown, West Virginia; Madison, Wisconsin; Laramie, Wyoming; San Juan for Puerto Rico and the Virgin Islands; and Honolulu for the Territory of Hawaii.

(i) Information concerning the location and jurisdiction of field offices below the State offices, such as nurseries, offices serving districts, research projects, land utilization projects and water conservation and utilization projects, can be obtained from the appropriate State or regional office.

(R. S. 161, sec. 3, 60 Stat. 238; 5 U. S. C. and Supp. 22, 1002)

Done at Washington, D. C., this 16th day of February 1948.

[SEAL] CLINTON F. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1498; Filed, Feb. 19, 1948;
8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

MISCELLANEOUS AMENDMENTS

§ 953.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Los Angeles, California, on December 3, 1946 and on August 7, 1947, and at Phoenix, Arizona, on August 4, 1947, upon proposed amendments to the marketing agreement and to Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the States of California and Arizona; and the decision (12 F. R. 7904, 8173) was made with respect to the amendments by the Secretary on November 19, 1947. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of lemons grown in the States of California and Arizona in the same manner as the aforementioned marketing agreement as amended, effective as of the same time as the amendment of the said order, and the said order as hereby amended is applicable only to

persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(3) There are differences in the production and marketing of said fruit in the production area covered by the said order as hereby amended that make necessary different terms and provisions applicable to different parts of such area, and the terms and provisions hereof, so far as practicable, give due recognition to such differences.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that:

(1) The amendment to the marketing agreement regulating the handling of lemons grown in the States of California and Arizona, upon which the aforesaid hearing was also held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in producing, distributing, or shipping the fruit covered by said order, as hereby amended) who, during the period November 1, 1946, to October 31, 1947, handled not less than 80 percent of the volume of lemons covered by the said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored and approved by producers who participated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1946, to October 31, 1947) produced for market at least two-thirds of the volume of lemons produced for market within the States of California and Arizona within the said period; and

(3) The issuance of this order, amending the aforesaid order, is favored and approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period of November 1, 1946, to October 31, 1947, were engaged, within the States of California and Arizona, in the production for market of lemons grown in such States.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of lemons grown in the States of California and Arizona shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended as follows:

1. Delete paragraph (g) of § 953.1 *Definitions* of the order and substitute therefor the following:

(g) "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such interstate commerce or such commerce with Canada.

2. Delete paragraph (b) (1) of § 953.4 *Regulation* of the order and substitute therefor the following:

(1) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to this section, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week in each district defined in paragraph (m) of this section. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

3. Delete paragraph (c) of § 953.4 of the order and substitute therefor the following:

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week in each district, as aforesaid, will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons which may be handled during such week in each such district, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

4. Delete paragraph (d) (6) of § 953.4 of the order and substitute therefor the following:

(6) The quantity of each handler's available lemons, as computed pursuant to this section, shall be reported by the committee to the Secretary and shall constitute the recommendation of the committee as the quantity of lemons to be used by the Secretary in determining the prorate base for each such handler: *Provided*, That such quantity may be adjusted by (i) the deduction of any undershipments, as provided for in paragraph (g) of this section, or (ii) the addition of any overshipments, as provided for in paragraph (f) of this section, in the event any such handler makes an undershipment or an overshipment during the week preceding that in which such quantity was computed. Such report shall be made on the basis of the total quantity of each handler's available lemons in each of the aforesaid districts.

5. Delete paragraph (d) (7) of § 953.4 of the order and substitute therefor the following:

(7) Upon the basis of the recommendations and reports submitted by the committee, or other available information, the Secretary shall fix a prorate base for each handler who has made application therefor to the committee. Such prorate base shall represent the ratio between the quantity of each such handler's available lemons in a district, as aforesaid, and the quantity of all such handlers' available lemons in the same district, and shall be applicable for the two-week period immediately following the week in which it is fixed by the Secretary.

6. Delete paragraph (e) of § 953.4 of the order and substitute therefor the following:

(e) *Allotments.* Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, and has fixed the handlers' prorate bases, the committee shall calculate the quantity of lemons which may be handled by each such handler during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant hereto.

7. Delete paragraph (h) (1) of § 953.4 of the order and substitute therefor the following:

(1) A handler for whom a prorate base has been established may land allotments to other handlers: *Provided*, That such loans are confined to the same district, as defined in paragraph (m) of this section, and evidenced by a bona fide written agreement, filed with the committee within 48 hours after the agreement has been entered into, under the terms of which such allotments are to be repaid during the current season.

8. Add to § 953.4 of the order the following paragraph:

(m) *Districts.* (1) "District 1" shall include that part of the State of California not included in District 2.

(2) "District 2" shall include the State of Arizona; Imperial County, California; and that part of Riverside County, California, situated south and east of the San Geronio Pass."

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 16th day of February, 1948, to be effective on and after 12:01 a. m., P. s. t., March 23, 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1439; Filed, Feb. 19, 1948; 8:50 a. m.]

TITLE 10—ARMY

Subtitle A—Organization, Functions and Procedures of the Department of the Army

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

MISCELLANEOUS AMENDMENTS

1. In § 3.3a, add paragraphs (e) and (f) as follows:

§ 3.3a *Proclamations; United States Area of Control.* * * *
(e) *Proclamation No. 5; Economic Council.*

To the German people in the United States Zone, including Land Bremen:

Whereas by an agreement dated 29 May 1947, and made between the Military Governors and Commanders-in-Chief of the United

States and British Zones of Occupation, provision was made for the establishment of an Economic Council, an Executive Committee and Executive Directors in order to facilitate the solution of pressing economic problems and the construction of economic life by popularly controlled German agencies, and whereas the said agreement is published as Appendix A to this Proclamation of which it forms part,

Now, therefore, I, General Lucius D. Clay, Commanding General, European Command, and Military Governor for Germany (U. S.), do hereby proclaim as follows:

Article I—Functions of the Economic Council. The Economic Council shall have power, within the United States Zone (including Land Bremen),

(1) To direct the permissible economic reconstruction of the Zone, subject to the approval of the Bipartite Board;

(2) To adopt and promulgate ordinances on the administration of railways, maritime ports and coastal shipping, inland water transport, inter-Land inland waterways and communications and postal services; to adopt and promulgate ordinances dealing with matters of general policy affecting more than one Land with respect to inter-Land highways and highway transport; production, allocation and distribution of goods, raw materials, gas, water and electricity; foreign and internal trade; price formation and price control; production, importation, collection, allocation and distribution of food; public finance, currency, credit, banking and property control; and civil service management of bizonal department personnel; and such other functions as may from time to time be determined by the Bipartite Board. Such ordinances are subject to the approval of the Bipartite Board. The approval of the Board to each ordinance shall be indicated by an indorsement stating that it has received such approval under the terms of this Article. Except where these Economic Council ordinances with Bipartite Board approval specifically reserve to the Economic Council or delegate to the Executive Committee or Executive Directors the power to issue implementing regulations pursuant to the ordinances, the Laender shall promptly implement the ordinances;

(3) To adopt and promulgate, subject to approval as set forth in Para. (2) above, ordinances allocating to the Economic Council, the Executive Committee or the Executive Directors the power to issue implementing regulations under specific existing legislation which is within the fields referred to in Para. (2);

(4) To delegate such of its powers as may be deemed appropriate to the Executive Committee, except for the power to adopt and promulgate ordinances set forth in Para. (2) above and the power of appointment set forth in Para. (5) below;

(5) To appoint, from nominations made by the Executive Committee; and to remove, upon its own motion, the Executive Directors. To define the functions of the Executive Directors and their relations to the Economic Council, the Executive Committee and the Laender;

(6) To consider and pass the annual estimates of revenue and expenditure of the Council and of its departments.

Article II—Functions of the Executive Committee. The Executive Committee shall have power, within the United States Zone,

(1) To propose and make recommendations on ordinances for adoption by the Economic Council;

(2) To issue implementing regulations within the scope of the authority delegated to the Executive Committee by the Economic Council;

(3) To coordinate and supervise the execution of ordinances and implementing regulations by the Executive Directors in accord-

ance with the policies adopted by the Economic Council.

Article III—Functions of Executive Directors. In accordance with the policies adopted by the Economic Council and under the supervision of the Executive Committee, the Executive Directors—

(1) Shall direct the operation of their respective departments;

(2) May issue implementing regulations;

(3) Will be the chief accounting officers for their own departments and, subject to such instructions and such central financial control as may be approved by the Economic Council, the financial and accounting operation of the agencies shall be under their general management and supervision.

Article IV—Effect of Economic Council Ordinances. Ordinances issued by the Economic Council pursuant to the provisions of Article I of this Proclamation or implementing regulations issued under such ordinances shall not be inconsistent with Control Council legislation, but, subject to this, shall be superior to any German enactment, and shall be binding on all Courts.

Article V—Transitional Provisions. Until otherwise provided by any ordinance of the Economic Council, Military Government Ordinance No. 14, set forth in Appendix "B" to this Proclamation and promulgated herewith, shall be in force in the United States Zone.

(Note: Appendix B is codified herein as § 3.10a.)

Article VI—Effective date. This Proclamation shall come into force on 10 June 1947.

LUCIUS D. CLAY,
General, U. S. Army,
Commanding General,
European Command and
Military Governor for Germany (U. S.)

Approved: 2 June 1947.

APPENDIX A TO PROCLAMATION No. 5 AGREEMENT FOR REORGANIZATION OF BIZONAL ECONOMIC AGENCIES

Preamble. Pending the creation of administrative and governmental institutions for Germany as a whole, and in order to facilitate the solution of pressing economic problems and the reconstruction of economic life by popularly controlled German agencies operating under broad responsibilities, the Military Governments of the British and U. S. Zones have agreed to a bizonal reorganization for the purpose only of a more complete economic integration under the following plan, which will be implemented by Military Government Proclamation or Military Government Ordinance published simultaneously in the two Zones.

General principles. 1. A body known as the Economic Council shall be selected by the Landtage of the various Laender.

2. A full-time Coordinating and executive body known as the Executive Committee shall also be established. Its functions and relationships to the Economic Council are defined below.

3. The administration of the several bizonal departments shall be entrusted to Executive Directors responsible to the Economic Council and under the immediate supervision of the Executive Committee as defined below.

4. Maximum responsibility for the conduct of bizonal functions shall be delegated by Military Government to German agencies with due regard to the principle of decentralization of administration.

5. Decisions of the Economic Council and the Executive Committee shall be taken by majority vote.

Organization and functions—1. Economic Council—a. Composition. Representatives numbering about 54 to be chosen:

(1) By the Landtage and if members thereof to resign;

(2) One for each 750,000 population or part thereof in excess of 375,000, but not less than one per Land;

(3) In proportion to the division of political opinion in the Land as shown by the popular vote in the most recent landwide elections.

b. Functions. (1) To direct the permissible economic reconstruction of the two Zones subject to the approval of the Bipartite Board;

(2) To adopt and promulgate ordinances on the administration of railways, maritime ports and coastal shipping, inland water transport, inter-Land inland waterways (BIB/P (46) 7 (Final)) and communications and postal services (BIB/P (46) 6 (Revise)); to adopt and promulgate ordinances dealing with matters of general policy affecting more than one Land with respect to inter-Land highways and highway transport (BIB/P (46) 7 (Final)); production, allocation and distribution of goods, raw materials, gas, water and electricity (BIB/P (46) 5 (Revise)); foreign and internal trade (BIB/P (46) 5 (Revise)); price formation and price control (BIB/P (46) 5 (Revise)); production, importation; collection, allocation, and distribution of food (BIB/P (46) 8 (Final)); public finance, currency, credit, banking and property control (BIB/P (46) 4 (Final)); and civil service management of bizonal department personnel (Appendix A to (BIOIV/M (47))); and such other functions as may from time to time be determined by the Bipartite Board. Such ordinances are subject to the approval of the Bipartite Board. The approval of the Board to each ordinance shall be indicated by an indorsement stating that it has received such approval under the terms of Article I (2) of the Military Government Proclamation or Military Government Ordinance by which the Council is given its powers. Except where these Economic Council ordinances with Bipartite Board approval specifically reserve to the Economic Council or delegate to the Executive Committee or Executive Directors the power to issue implementing regulations pursuant to the ordinances, the Laender shall promptly implement the ordinances;

(3) To adopt and promulgate, subject to approval as set forth in Para. (2) above, ordinances allocating to the Economic Council, the Executive Committee, or the Executive Directors, the power to issue implementing regulations under specific existing legislation which is within the fields referred to in Para. (2) above;

(4) To delegate such of its powers as may be deemed appropriate to the Executive Committee, except for the power to adopt and promulgate ordinances set forth in Para. (3) above and the power of appointment set forth in Para. (5) below;

(5) To appoint, from nominations made by the Executive Committee, and to remove, upon its own motion, the Executive Directors. To define the functions of the Executive Directors and their relations to the Economic Council, the Executive Committee and the Laender;

(6) To consider and pass the annual estimates of revenue and expenditure of the Council and of its departments.

2. Executive Committee—a. Composition. One representative from each Land appointed by the Land Government who will serve on a full-time basis. Members of the Executive Committee shall attend all meetings of the Economic Council as non-voting members.

b. Functions. (1) To propose and make recommendations on ordinances for adoption by the Economic Council;

(2) To issue implementing regulations within the scope of the authority delegated to the Executive Committee by the Economic Council;

(3) To coordinate and supervise the execution of ordinances and implementing regulations by the Executive Directors, in accord-

ance with the policies adopted by the Economic Council.

3. *Executive Directors*—a. *Selection.* Each bizonal department will be headed by an Executive Director selected from nominations by the Executive Committee and appointed and removed by the Economic Council. The Directors will operate under the immediate supervision of the Executive Committee but will have general responsibility to the Economic Council.

b. *Functions.* In accordance with the policies adopted by the Economic Council and under the supervision of the Executive Committee:

(1) The Executive Directors will direct the operation of their respective departments;

(2) The Executive Directors may issue implementing regulations;

(3) The Executive Directors shall be the Chief accounting officers for their own departments and, subject to such instructions and such central financial controls as may be approved by the Economic Council, the financial and accounting operations of the agencies shall be under their general management and supervision.

Decentralization of administration. In accordance with the principle of decentralization of administration, maximum use will be made of Land Governments in the performance of bizonal functions and in the issuance of appropriate orders and instructions carrying out the ordinances of the Economic Council as supplemented by the implementing regulations.

Except for those functions which are not under Land administration but which are under the direct administration of bizonal offices in accordance with approved ordinances of the Economic Council, the ordinances of the Economic Council as supplemented by the implementing regulations are binding upon the Land and must be promptly executed by them.

Transitional provisions. The abolition of the Bizonal Executive Joint Committees and the transfer of their functions in whole or in part to the Economic Council, Executive Committee and Executive Directors will be effected by an ordinance adopted by the Economic Council and approved by the Bipartite Board. Until the effective date of this ordinance, the Bizonal Executive Joint Committees shall continue to function as before. During the interim period they shall exercise their present powers as supplemented by those set forth in the proposed Ordinance relating to Production, Allocation and Distribution of Goods and Raw Materials, and any other ordinance which may be approved by the Bipartite Board.

Relationship of bizonal organizations to Military Government. The German administrative organization set forth above shall be controlled by joint Military Government agencies which shall be given the following titles and functions:

a. *Bipartite Board.* (1) Consisting of the Military Governors or Deputy Military Governors of CCG (BE) and OMGUS;

(2) Will review and approve ordinances and decisions of the Economic Council; issue instructions to the Economic Council and the Executive Committee and exercise overall control of the operations of the entire administrative organization.

b. *Bipartite Control Office.* (1) Consisting of one British and one U. S. Chairman and the members of the several Bipartite functional panels noted below;

(2) Will represent the Bipartite Board in the conduct of day-to-day administrative control of the Executive Committee and, through it, the Executive Directors;

(3) Will maintain a joint secretariat and liaison staff as the channel of communication between Military Government and the Economic Council and its subordinate agencies.

c. *Bipartite Panels.* (1) Consisting of U. S. and British representatives for each of the present or subsequently created functions;

(2) Will observe and review and, through the Bipartite Control Office, exercise control of the operation of their respective departments.

General Lucius D. CLAY, Military Governor, Office of Military Government for Germany (United States).
Lieutenant General Sir BRIAN ROBERTSON, Deputy Military Governor, Control Commission for Germany (British Element).

Dated 29 May 1947.

(f) *Proclamation No. 6; amending proclamation No. 5; Economic Council.*

To the German people in the United States Zone, including Land Bremen:

Whereas the Military Governors and Commanders-in-Chief of the United States and British Zones of Occupation agreed on 7 August 1947 to amend the Agreement for Reorganization of Bizonal Economic Agencies published as Appendix A to Military Government Proclamation No. 5 of which it forms part,

Now, therefore, I, General Lucius D. Clay, Commander-in-Chief European Command, and Military Governor for Germany (U. S.), do hereby proclaim as follows:

Article I. Appendix A to Military Government Proclamation No. 5, Agreement for Reorganization of Bizonal Economic Agencies, sub-heading "Organization and Functions," paragraph 1 a (1), is amended, so as to read as follows:

(1) By the Landtag—members of Landtag or of Land Cabinets who accept election to the Economic Council must resign their Landtag or Land Cabinet seats;

Article II. Any member of a Land Cabinet who prior to the effective date of this Proclamation has accepted election to the Economic Council shall be deemed to have vacated his seat in the Economic Council on 1 September 1947 unless prior to 1 September 1947 he has resigned his seat in the Land Cabinet.

Article III. Nothing in this Proclamation shall be deemed to invalidate any decision or action taken by the Economic Council prior to 1 September 1947.

Article IV. This Proclamation shall come into force as of 7 August 1947.

LUCIUS D. CLAY,
General, U. S. Army,
Commander-in-Chief,
European Command and
Military Governor for Germany (U. S.)

2. In § 3.5, add paragraph (h) as follows:

§ 3.5 *Ordinance No. 1, crimes and offenses.* * * *

(h) *Article II A, violations of military orders.* (1) All violations of the provisions of any circular, order or other requirement of Headquarters, European Command and, prior thereto, of Headquarters, United States Forces, European Theater, by persons subject thereto where, by direction of the Commander-in-Chief or other competent authority, such persons are not to be tried by courts martial, shall be punishable in Military Government courts by imprisonment not exceeding five years, with or without hard labor, or by a fine not exceeding RM 100,000, or by both, *Provided*, That such punishment shall not exceed the maximum punishment that might be imposed in a similar case by a courts martial.

(2) In the discretion of the Court, the fine prescribed in subparagraph (1) of this paragraph may be imposed in the

alternate in United States dollars at the conversion rate of ten cents per Reichsmark or at such other rate as may hereinafter be fixed by Military Government.

3. In § 3.6, add a new subdivision (iv) to paragraph (b) (2) as follows:

§ 3.6 *Ordinance No. 2; Military Government Courts.* * * *

(b) *Article II, jurisdiction.* * * *

(2) Military Government Courts shall have jurisdiction over:

(iv) In particular, all violations of the provisions of any circular, order or other requirement of Headquarters United States Forces European Command and, prior thereto, of Headquarters United States Forces European Theater, by persons subject thereto where, by direction of the Commander-in-Chief or other competent authority, such persons are not to be tried by courts martial.

4. In § 3.8, change the heading and paragraph (a) paragraph (c) (6) and (7), and paragraph (d) and add a new paragraph (b) (1), as follows:

§ 3.8 *Ordinance No. 10; illegal possession of United States Military Payment Certificates or special occupation forces tickets.*—(a) *Article I.* All persons in the United States Zone and Land Bremen, except those mentioned in paragraph (c) of this section are prohibited from accepting, acquiring, holding, possessing, purchasing, selling, or exchanging United States military payment certificates or special occupation forces tickets, or engaging in any transaction involving such certificates, or special occupation forces tickets.

(b) *Article II.* * * *

(1) A special occupation forces ticket is defined as a railway ticket issued to travellers in Germany on a non-duty status on military duty trains or on military coaches attached to German civilian trains. Such tickets shall be purchased only with United States military payment certificates as defined in paragraph (b) of this section.

(c) *Article III.* * * *

(6) Commercial companies officially licensed by the United States Government to engage in transactions now requiring the use of military payment certificates or special occupation forces tickets.

(7) Any persons who are authorized by competent authority to possess military payment certificates or special occupation forces tickets, or to purchase from or otherwise patronize United States Military or naval messes, exchanges, stores, commissaries and/or other United States Army or Navy facilities as evidenced by the issuance or possession of appropriate mess cards or permits or ration certificates, or by reason of enabling United States directives.

(d) *Article IV.* Nothing herein shall be construed to prohibit persons otherwise subject to the prohibitions of this ordinance from handling military payment certificates or special occupation forces tickets in the course of their official duties as employees of persons or establishments if such persons or establish-

ments are authorized to possess and use such certificates or special occupation forces tickets.

5. Sections 3.10a, 3.10b, 3.10c, 3.29, 3.29a, 3.40a, 3.42 and 3.52 are added as follows:

§ 3.10a *Ordinance No. 14; relating to production, allocation and distribution of goods and raw materials.* In accordance with the "Transitional Provisions" in the Agreement for Reorganization of Bizonal Economic Agencies, dated May 29, 1947 (see § 3.3a (e)), it is hereby ordered:

(a) *Section 1.* (1) The Executive Committee for Economics (E. C. E.) is authorized to establish general policies, to be announced in the form of decisions, governing the production, allocation, and distribution of goods and raw materials which must be executed in the several Laender under implementing regulations issued promptly by appropriate Laender authorities.

(2) It is further empowered with such supervision of the production, allocation and distribution of goods and raw materials as may be necessary to determine and to insure that its general policies are being implemented in the several Laender. Within this law, existing laws, and such other laws as may be enacted it may issue any executive orders which appear necessary to define and to clarify its general policy decisions. In addition thereto, it is empowered to allocate directly, by executive orders, such scarce basic commodities as may be determined by the Committee to specific industrial purposes and among the several Laender. Likewise, it is empowered to require, by Executive order, the distribution of goods and raw materials as may be necessary to execute its policies, which will include the determination of goods in sufficient supply to permit rationing and the establishment of rationing standards. It may also issue such executive orders as may be necessary to govern the seizure of goods and raw materials within the several Laender which are not being utilized under the policies which it has established.

(b) *Section 2.* The E. C. E. is empowered, so far as it deems it necessary for the control and regulation of production, allocation, and distribution of goods and raw materials, to issue executive orders regarding the recording of business transactions, and in particular regarding bookkeeping.

(c) *Section 3.* The executive orders referred to in paragraphs (a) (2) and (b) of this section shall be issued under, and pursuant to, the general policy decisions referred to in paragraph (a) (1) of this section. Like the general policy decisions, such executive orders shall be directed to the respective Laender, except in the case of the allocation power provided by the third sentence of paragraph (a) (2) under which such orders (including in particular cases orders allocating the end product to assure the carrying-out of the intent of the original allocation) may be directed to persons and enterprises. All general policy decisions, and those executive orders directed to the Laender, shall become bind-

ing upon and enforceable against persons generally only upon implementation by the Laender, as provided in paragraph (a) (1) and in accordance with such implementation. Executive orders directed to persons and enterprises require no implementation by the Laender in order to become effective.

(d) *Section 4.* (1) The E. C. E. may, with respect to specific branches of trade and industry, delegate its powers under paragraphs (a) (2) and (b) of this section to its Chairman.

(2) The Chairman of the E. C. E. shall immediately notify the members of the E. C. E. of any executive orders issued by him.

(e) *Section 5.* Where the special conditions of a Land or any part thereof render it necessary, the Supreme Land Authority may, in agreement with the E. C. E., or, if the latter has availed itself of the possibility of delegation under paragraph (d) (1) of this section, in agreement with the Chairman of the E. C. E., issue orders of general application within the scope of this Ordinance for either the whole Land or part thereof. The Supreme Land Authority may delegate such power to a superior Land Authority having jurisdiction over the whole territory of the Land.

(f) *Section 6.* The provisions of the Verordnung über die Wirkungen der Beschlagnahme zur Regelung des Warenverkehrs vom 4. März 1940 (RGBI, I, S.551) shall apply mutatis mutandis to seizures in virtue of this Ordinance.

(g) *Section 7.* Before issuing executive orders, the Chairman of the E. C. E. shall consult whenever practicable with the committee attached to the Executive Agency for Economics in the American and British Zones of Control (Verwaltungsamt)

(h) *Section 8.* (1) Publication in the *Mitteilungsblatt des Verwaltungsamts* shall be sufficient for the promulgation of orders containing a delegation of powers to the Chairman of the E. C. E. (paragraph (d) of this section) or the revocation of such powers. Orders containing a delegation of powers to a superior Land Authority (paragraph (e) sentence 2, of this section) or the revocation of such powers shall be promulgated in accordance with the provisions of the law of the Land in question.

(2) Orders containing delegation of powers shall become effective one week after promulgation; those containing a revocation thereof, on the day following the promulgation. The order may provide otherwise.

(i) *Section 9.* (1) Publication in the *Mitteilungsblatt des Verwaltungsamts* shall be sufficient for the promulgation of general policy decisions, and executive orders of the E. C. E. or its Chairman; such decisions and orders shall become effective one week after their promulgation unless otherwise provided.

(2) Orders of general application issued by the Land authorities under paragraph (e) of this section shall be promulgated in accordance with the provisions of the law of the Land.

(j) *Section 10.* (1) The service of orders directed to persons or enterprises is governed mutatis mutandis by the pro-

visions of the *Zivilprozessordnung* concerning the service of documents ex officio (*Zustellung von Amts wegen*) with the exception of sections 189, 203 to 207, 210a and 212a.

(2) Service may also be effected by registered letter.

(k) *Section 11.* (1) All general policy decisions, executive orders, other orders and implementing regulations under this Ordinance shall state the duration of their validity. They shall cease to be valid, in any event, not later than 3 years after their coming into force.

(2) The period of validity may, however, be extended for three years at the most on each extension.

(l) *Section 12.* (1) The *Verwaltungsamt* and the Land authorities referred to in paragraph (e) of this section are agencies entitled to information within the meaning of the *Verordnung über Auskunftspflicht* vom 13. Juli 1923 (RGBI, I, S. 723)

(2) They may order the personal appearance of a person liable to give information and may require commodities or other objects, in particular samples and specimens, to be forwarded or submitted to them or to their authorized agents, and for containers to be opened for inspection. Further, they or their authorized agents may demand from any person information as to economic data as well as the production of books, vouchers or other documents. On ordering such measures the *Verwaltungsamt* shall immediately notify the Supreme Land Authority.

(3) Any person who willfully infringes the obligations under subparagraph (2) of this paragraph shall be liable to imprisonment not exceeding one year and a fine not exceeding RM 20,000, or to one of those penalties; any person who negligently infringes these obligations shall be liable to a fine not exceeding RM 10,000.

(4) In addition to the penalty the forfeiture of the commodities which have been concealed may be ordered; paragraph (n) of this section shall apply mutatis mutandis.

(5) Further, paragraphs (p), (s) to (ii) of this section shall apply mutatis mutandis.

(m) *Section 13.* (1) Unless other provisions impose a heavier penalty, imprisonment not exceeding five years and a fine not exceeding RM 100,000 or the threefold amount of the profit obtained by the offense or of the value of the objects in respect of which the offense has been committed or one of those penalties shall be imposed on any person who

(i) Violates any order or implementing regulation issued by a Land Authority under this Ordinance or any executive order issued by the E. C. E. or its Chairman which is binding upon him under paragraph (c) of this section, Provided, That such order or regulation contains an express reference to the penal provisions of this Ordinance.

(ii) Makes or utilizes false or incomplete statements of facts in order to obtain fraudulently either for himself or for another person any permission, grant, binding promise or other certificate issued in virtue of this Ordinance.

(2) An attempt shall be punishable.
 (3) Where the infringement is due to negligence the imprisonment shall not exceed one year.

(n) *Section 14.* (1) In the case of paragraph (m) of this section the objects in respect of which the offense has been committed may, in addition to the penalty, be forfeited in favor of the Land, even where they do not belong to the offender or an accessory.

(2) If the accused is not the owner, forfeiture shall not be ordered if the owner neither knew or ought to have known of the infringement nor derived any benefit therefrom.

(3) If forfeiture of the objects referred to in subparagraph (1) of this paragraph cannot be effected or may not be ordered under subparagraph (2) of this paragraph, forfeiture of a sum of money equal to the value of the objects may be ordered (substituted forfeiture). Where it is not certain whether forfeiture will be practicable the Court may order substituted forfeiture in the event of forfeiture being impracticable. Substituted forfeiture may be subsequently prescribed by an order of the Court (Beschluss).

(4) In respect of third party rights compensation is to be paid up to the amount of the value or the proceeds of the forfeited objects, unless the third party knew or ought to have known of the infringement or derived a benefit therefrom. In ascertaining the extent to which a right was covered by the value or the proceeds of the forfeited objects, prior rights must be taken into account even if the conditions laid down for compensation in the first sentence are not fulfilled. A claim shall become statute barred after one year from the date on which the decision became final. The claim may be brought before the ordinary courts.

(5) If a person other than the accused asserts rights in objects liable to forfeiture or if there are facts pointing to the existence of such rights, the person concerned shall be given the opportunity of proving that the conditions under which forfeiture may be ordered do not exist or that he has rights in the objects liable to forfeiture. Proof may be adduced until forfeiture is ordered. If proof is adduced only after the decision ordering forfeiture, the Court may set aside or restrict the forfeiture.

(6) Where it is not possible to prosecute or convict a specific person, forfeiture may, at the request of the Staatsanwaltschaft, be separately ordered by an order (Beschluss). Such an order is subject to the appellate remedy of "sofortige Beschwerde".

(7) On the decision becoming final the ownership in the forfeited objects passes to the Land, other rights therein becoming extinguished.

(8) In the event of a right being acquired after the decision has become final, the provisions of the Civil Code in favor of persons who claim under persons having no title shall apply.

(o) *Section 15.* (1) The Authority (paragraph (II) of this section), may order the realization of objects liable to forfeiture if there is a risk of the ob-

jects deteriorating or perishing before the decision regarding forfeiture can be made. The same rule shall apply where an early realization of the objects is necessary in order to satisfy an urgent demand of the economic situation or of consumers and no excessive damage will be caused thereby to the owner. The proceeds shall be substituted for the objects.

(2) Where the objects liable to forfeiture have been seized under the provisions of the Strafprozessordnung Strafrechtspflegeordnung, their realization may only be ordered with the consent of the Staatsanwaltschaft.

(p) *Section 16.* In cases under paragraph (I) (m) and (n) of this section the provisions of Articles 416 and 417 of the Reichsabgabenordnung shall apply mutatis mutandis with respect to fines and forfeitures.

(q) *Section 17.* (1) If a person has committed an offense punishable under paragraph (m) of this section knowingly and recklessly from grossly selfish motives, the Court may, for a period of not less than one year and not more than five years, in addition to the penalty, prohibit, entirely or partially, such person from engaging in activities or managing an enterprise in the field in which the offense was committed, or subject his doing so to the fulfillment of conditions. In the event of the accused being entirely prohibited from managing an enterprise, the Court may order that the enterprise be carried on by a custodian. The Authority (paragraph (II) of this section) shall appoint the custodian and shall regulate his functions and powers.

(2) *Section 42 1, subsections 2, and 4* of the Strafgesetzbuch shall apply mutatis mutandis.

(3) In cases under subparagraph (1) of this paragraph the Court may, in addition to the penalty, order the permanent closing down or the permanent or temporary restriction of the business of the accused or may make its continuation dependent on the fulfillment of conditions. If the business is owned by several persons the closing down or restriction may be ordered only if the grounds set out in subparagraph (1) of this paragraph obtain in the case of all managing owners. The fact that one of the managing owners is not guilty within the meaning of subparagraph (1) does not preclude the making of the order if the person in question is married to a guilty managing joint owner.

(4) The provisions of subparagraph (3) of this paragraph shall apply mutatis mutandis to Gesellschaften mit beschränkter Haftung, with this proviso that the shareholders who are also managers (Geschäftsführer) shall be deemed managing owners.

(5) The closing down of the business has the effect of prohibiting the guilty person from engaging in any activity the aim of which is the continuation of the business either by himself or through a third party or the sale of the business as a whole. The provisions of the civil law in favor of persons claiming under persons with no title shall apply mutatis mutandis. The Authority (paragraph (II) of this section) shall have power to

give instructions regarding the winding-up of the business, in particular to impose conditions or to appoint a liquidator and regulate his functions and powers.

(6) Notwithstanding any contractual provision to the contrary, where a business has been closed down, contracts of service may be terminated by giving the notice required by law or the collective agreement; leases, by giving the notice required by law. The same rule applies where restrictions affecting the business have been imposed, insofar as the termination of the contract by notice is necessary for the carrying-out thereof.

(7) Objections by the guilty person to measures taken for the enforcement of the closing down or restriction of the business shall be decided by the Court which ordered the closing down or restriction of the business.

(8) Measures under subparagraphs (1) and (3) of this paragraph may be ordered singly or cumulatively. The convicted person bears the costs of carrying out such measures.

(r) *Section 18.* (1) Any person who, directly or indirectly through another person, transacts business or engages in any activity or manages any enterprise contrary to a prohibition under paragraph (q) of this section, shall be liable to imprisonment not exceeding two years and a fine not exceeding RM 100,000 or to either of these penalties.

(2) The same penalty may be imposed on any person who transacts business with or on behalf of any such person, with the knowledge that this person is prohibited from any business activity or from managing an enterprise or that the business has been closed down.

(3) In addition to the penalty the Court may order the forfeiture of the object to which the prohibited enterprise or the prohibited activity relates as well as the objects and installations intended or used for the continuation of the business or activity, provided that they belong to the offender or an accessory. The provisions of paragraph (n) (3) to (8) and paragraph (o) of this section shall apply mutatis mutandis.

(s) *Section 19.* (1) The Authority (paragraph (II) of this section) may be joined in the criminal proceedings as additional complainant (Nebenkläger).

(2) The sentence and other decisions terminating the proceedings shall in all cases be served on the Authority. The period of limitation for lodging an appeal shall only begin to run from such service.

(t) *Section 20.* (1) Where an offense punishable under paragraph (I) or (m) of this section has been committed in the conduct of an enterprise, the Authority (paragraph (II) of this section) may impose on the proprietor or manager thereof an administrative fine (Ordnungsstrafe) not exceeding the fine of RM 20,000 and RM 10,000 mentioned respectively in paragraph (I) and not exceeding the fine of RM 100,000 mentioned in paragraph (m) or, if the enterprise is carried on by a juristic person, on such juristic person, unless the proprietor or manager of the enterprise or the legal representative of the juristic person proves that he has exercised re-

quisite care in business to prevent such an offense.

(2) The accused shall be entitled to be heard before the fine is imposed.

(u) *Section 21.* If in the case of an offense punishable under paragraph (l) or (m) of this section there is no public interest in obtaining the decision of a Court, the Authority (paragraph (l) of this section) may impose upon the accused in each case an administrative fine within the limits of paragraph (t) of this section. The accused shall be entitled to be heard before the fine is imposed.

(v) *Section 22.* (1)-Any information with respect to offenses under the penal provisions of this Ordinance received by the Staatsanwaltschaft or any other authority shall be forwarded to the Authority having jurisdiction under paragraph (l) of this section.

(2) Unless such Authority passes the matter over to the Staatsanwaltschaft, having regard to the existence of a public interest in a judicial decision, it shall investigate the facts. Before imposing an administrative fine the Authority (paragraph (l) of this section) shall communicate the result of its investigations to the Staatsanwaltschaft, which shall decide finally whether it will undertake a prosecution. The same procedure shall apply where the Authority decides not to impose an administrative fine.

(3) So long as the Staatsanwaltschaft has not undertaken the prosecution, the Authority (paragraph (l) of this section) may seize objects liable to forfeiture if there is a risk that the forfeiture may otherwise be frustrated.

(w) *Section 23.* (1) A person on whom an administrative fine has been imposed may, within one week of notification thereof, apply in writing or orally ad protocollum to the Authority which issued the order for an adjudication by the court. The period of limitation will cease to run upon the receipt of an application by the Court.

(2) The application shall forthwith be forwarded to the Amtsgericht or, where the fine exceeds RM 10,000 to the Strafkammer of the Landgericht for adjudication. Unless the application is received by the Court the Authority may rescind the order imposing the fine and either dispense with punishment altogether or make a new order. The applicant shall be informed.

(3) Where the application is forwarded to the Court for adjudication, the Authority which imposed the fine shall submit its observations thereon.

(x) *Section 24.* (1) The provisions of the Strafprozessordnung/Strafrechtspflegeordnung regarding the procedure before the Beschwerdegericht shall apply mutatis mutandis to the proceedings before the Court. The Staatsanwaltschaft shall take no part in the proceedings. The decision of the Court is final. The order imposing the administrative fine may not be modified to the prejudice of the applicant.

(2) Where the order imposing an administrative fine has become final, no further proceedings under this ordinance may be instituted in respect of the same offense.

(y) *Section 25.* (1) In cases under paragraphs (t) and (u) of this section the Authority (paragraph (l) of this section) may, in addition to the administrative fine, order a forfeiture. Paragraph (n) (2) to (8) of this section shall apply mutatis mutandis. The Staatsanwaltschaft shall take no part in the proceedings.

(2) The provisions regarding the application for adjudication by the Court (paragraphs (w) and (x) of this section) shall apply mutatis mutandis. The Amtsgericht shall decide the application in all cases.

(3) Paragraph (o) of this section shall apply.

(z) *Section 26.* (1) The Authority (paragraph (l) of this section) may, even before the imposition of a penalty, order the measures provided for in paragraph (q) of this section where there is a strong suspicion that the provisions of paragraph (q) (1) are applicable to the accused. Paragraph (q) shall apply mutatis mutandis.

(2) The Authority shall communicate the result of its investigations to the Staatsanwaltschaft with dispatch. If the Staatsanwaltschaft declines to undertake the prosecution or does not, within one month after the order under paragraph (q) of this section has been served on the accused, declare that it undertakes the prosecution, the measures so far taken shall be rescinded forthwith.

(aa) *Section 27.* The Court or the Authority (paragraph (l) of this section) may order the publication at the expense of the person concerned of the sentence as well as of any order made under paragraph (q) of this section. The manner of the publication and the time within which it should be effected, shall be fixed in the decision of the Court or in the order imposing the administrative fine.

(bb) *Section 28.* When an administrative fine imposed under paragraph (t) or (u) of this section cannot be recovered, the Court having jurisdiction under paragraph (w) (2) of this section shall, at the request of the Authority (paragraph (l) of this section) fix as a substituted penalty of confinement a term of detention (Haftsperr) appropriate to the guilt of the offender, but not exceeding six weeks. The person concerned shall be entitled to be heard before the decision is made. The decision is subject to the appellate remedy of "sofortige Beschwerde"

(cc) *Section 29.* The order imposing an administrative fine and the decision regarding forfeiture shall set forth the reasons therefor. The offense, the provisions infringed, the evidence and the legal remedies shall be indicated therein.

(dd) *Section 30.* (1) The order imposing an administrative fine shall be served on the person fined.

(2) Service is governed mutatis mutandis by the provisions of the Zivilprozessordnung regarding service ex officio (Zustellung von Amtswegen) with the exception of Section 189, 203 to 207, 210a and 212a. If service in the prescribed manner is not practicable it shall be deemed to have been effected if that

part of the order which contains the decision imposing the administrative fine has been published in a newspaper to be determined in implementing regulations issued under this Ordinance and if two weeks have lapsed since publication.

(ee) *Section 31.* The provisions of the Strafprozessordnung / Strafrechtspflegeordnung shall apply mutatis mutandis to the computation of the timelimits and the restoration of rights in the case of elapsed timelimits.

(ff) *Section 32.* (1) If an accused person admits an infringement, such admission may be recorded in a minute setting out the essential circumstances of the offense and the relevant penal provisions. The accused may submit to an administrative fine to be imposed simultaneously with such recording and to the forfeiture of objects in respect of which the offense has been committed. The submission has the same effect as an order imposing an administrative fine which has become final.

(2) Paragraph (v), (2), 2d sentence, and paragraph (x) (2) of this section shall apply mutatis mutandis.

(gg) *Section 33.* (1) The execution of an order imposing an administrative fine is governed by the provisions of the Land law applicable.

(2) The Authority, which issued the order imposing the administrative fine, has jurisdiction to allow payment by instalments or to allow time for payment. Instalments shall in the first place be applied to the fine.

(3) Execution may be levied against the estate of a deceased person only if the order imposing the fine had become final during the life of the person fined.

(hh) *Section 34.* The costs of the proceedings regarding administrative fines are to be charged to the person fined. If several persons have been fined on account of the same offense they are jointly and severally liable for the expenses; this does not apply to expense incurred in levying execution.

(ii) *Section 35.* (1) The fee for each order imposing an administrative fine shall be 5% of the amount of the fine imposed and of the value of the forfeited objects, but in case less than RM 5.— in respect of an unsuccessful application for adjudication by the Court, one-half of the above fee shall be charged; the fee shall be reduced if the application succeeds in part.

(2) The following will be charged as expenses:

(i) Fees for telegrams and long-distance telephone calls;

(ii) Costs of service of documents and public notifications;

(iii) Allowances paid to witnesses and experts;

(iv) Traveling expenses of officials in respect of duties away from their office;

(v) Disbursements of other authorities;

(vi) Costs of preservation of forfeited objects and the transport of persons or objects.

(3) The costs of executing an order imposing an administrative fine shall be collected in accordance with the provisions of the Land law; the costs of executing a substituted penalty of con-

finement shall be governed by the provisions regarding the execution of penalties of confinement.

(jj) *Section 36.* (1) So far as decisions under this ordinance are to be made by the Amtsgericht, the Amtsgericht, at the seat of the Landgericht shall have jurisdiction *ratione loci*.

(2) The Land Minister of Justice may, in agreement with the Minister for Economics, make different rules as to the jurisdiction of the Amtsgericht to meet local requirements; he may in particular order that one Amtsgericht shall have jurisdiction *ratione loci* in respect of several Landgericht districts. Likewise he may confer on the Strafkammer of one Landgericht jurisdiction over several Landgericht districts in matters which under this ordinance are to be decided by the Strafkammer of the Landgericht.

(kk) *Section 37.* Subject to the provisions of paragraph (c) of this section, the E. C. E. may issue administrative regulations necessary for the purpose of discharging its responsibilities under this Ordinance.

(ll) *Section 38.* The Supreme Land Authority determines the Authority of the Economic Administration having jurisdiction under paragraphs (o) (q), (s) to (v) and (y) to (bb) of this section.

(mm) *Section 39.* (1) In the absence of action by the E. C. E., the Supreme Land Authority is authorized, up to 31st March 1948, to issue Orders of general application for the regulation of transactions in commodities within the scope of this Ordinance, if immediate regulation becomes necessary. Paragraph (e) second sentence, of this section shall apply *mutatis mutandis*. The Verwaltungsamt shall be notified of the intended measure; the order may be promulgated if the Verwaltungsamt does not, within three weeks after receipt of the notification, raise an objection.

(nn) *Section 40.* (1) Verordnungen und Anordnungen for the regulation of transactions in commodities in trade and industry, issued before the coming into force of this Ordinance, shall cease to be effective not later than June 30, 1948. The E. C. E. may, in individual cases, extend the period.

(2) Offenses committed after the coming into force of this Ordinance against the provisions mentioned in subparagraph (1) of this paragraph or against Anordnungen issued under these provisions or against other orders for the regulation of transactions in commodities in trade and industry shall be punishable in accordance with the provisions of paragraphs (1) to (ii) of this Ordinance.

(oo) *Section 41.* The following provisions are no longer applied to the sphere of trade and industry:

(1) Verordnung über den Warenverkehr as amended on the 11th December 1942 (RGBI. I, S. 686) and Executive Orders thereto with the exception of the Verordnung über die Wirkungen der Beschlagnahme zur Regelung des Warenverkehrs vom 4. März 1940 (RGBI. I, S. 551)

(2) Articles 1 and 2 of the Grosshessische Verordnung über wirtschaftliche Lenkungsmaßnahmen vom 18. Dezember 1945 (Gesetz- und Verord-

nungsblatt für Grosshessen 1945 No. 3, S. 25)

(3) Verordnung über den Warenverkehr in Baden vom 31 Oktober 1945 (Amtsblatt für Baden 1946 No. 1, S. 7),

(4) Articles 2 and 3 of the Bayerische Verordnung Nr. 56 über die Befugnisse der Bayerischen Wirtschaftskontrollstellen vom 20. März 1946 (Bayerisches Gesetz- und Verordnungsblatt 1946 No. 12, S. 188).

(pp) *Section 42.* Under § 3.11 (f) (1) (iii) German courts are hereby authorized to exercise jurisdiction in cases involving offenses against this Ordinance by persons not excepted from the jurisdiction of German courts under § 3.11 (f) (1) (i) or as hereafter amended.

(qq) *Section 43.* The German text of this Ordinance will be the official text and the provisions of paragraph 5 of Article II of Military Government Law No. 4 will not apply to such text.

(rr) *Section 44.* This Ordinance shall become effective on June 10, 1947.

§ 3.10b *Ordinance No. 17; prohibited transactions and activities—*(a) *Preamble.* This Ordinance is enacted in order to extend to certain natural persons within the United States Area of Control in Germany who are not subject to United States military law, and to foreign governments and their agencies, certain of the prohibitions now applicable to persons who are subject to such military law as set forth in USFET Circular No. 140, dated September 20, 1946. In general, this Ordinance is not applicable to transactions involving solely indigenous natural persons and corporations organized under German law, within such Area of Control.

(b) *Article I: prohibited transactions.* Unless licensed or otherwise authorized by Military Government, and subject to the exceptions set out below, the following transactions between domestic and foreign interests as hereinafter defined, made directly or through intermediaries, are prohibited within the United States Area of Control in Germany:

(1) The purchase, sale, lease, or other acquisition or disposition of real property, or any interest therein. For the purpose of this subparagraph, foreign interests shall be defined pursuant to paragraph (j) of this section and in addition shall be deemed to include domestic corporations the stock of which is owned or controlled in whole or in part, directly or indirectly, by a natural or juristic person who is a subject, citizen or resident of a foreign country.

(2) The purchase, sale, hire, barter, or other acquisition or disposition of tangible personal property, or any interests therein;

(3) The purchase, sale, transfer, or other acquisition or disposition of intangible property, or any interests therein, including stocks, bonds and other securities, evidences of ownership, negotiable instruments and other obligations.

(c) *Article II. prohibited activities.* Unless licensed or otherwise authorized by Military Government, and subject to the exceptions set out below, no foreign interest shall engage in any profession, trade, business, or industrial activity

within the United States Area of Control in Germany.

(d) *Article III. prohibited dealings.* (1) Unless licensed or otherwise authorized by Military Government, and subject to the exceptions set out below, foreign interests within the United States Area of Control in Germany are prohibited from:

(i) Importing any foreign currency in an amount in excess of fifty United States dollars or an equivalent amount of any foreign currency, or retaining United States dollars within their possession longer than forty-eight hours after arrival within the United States Area of Control;

(ii) Engaging in any transaction in gold or silver coins, gold, silver or platinum bullion or alloys thereof in bullion form;

(iii) Hiring or employing domestic interests.

(2) Unless licensed or otherwise authorized by Military Government, within the United States Area of Control:

(i) Foreign interests are hereby prohibited from selling or exchanging, either directly or through intermediaries, any foreign currency for any domestic currency or any domestic currency for any foreign currency, except through United States military finance offices or other agencies approved by Military Government;

(ii) Foreign interests and domestic interests are hereby prohibited from taking part in negotiations either involving the sale of one foreign currency for another such currency on behalf of domestic interests or involving obligations for the payment in any foreign country for the property of domestic interests located within the United States Area of Control;

(iii) Foreign interests are hereby prohibited from importing into and exporting from the United States Area of Control funds, securities or money for the account of domestic interests, wherever resident;

(iv) Foreign interests and domestic interests are hereby prohibited from using any postal or other communications system in connection with any transaction or other activity prohibited by this Ordinance.

(e) *Article IV exceptions.* The following exceptions are recognized to the prohibitions hereinabove set forth:

(1) Foreign interests may purchase from domestic interests, with lawfully acquired German currency, unrationed, tangible personal property located within the United States Area of Control, at prevailing legal prices, provided such property is reasonably necessary for the purely personal requirements of the purchaser or is for use as unimportant gifts or souvenirs and is not acquired for investment, resale or otherwise for profit;

(2) Foreign interests may barter tangible personal property with domestic interests at barter stores established and authorized by competent European Command or Military Government authority, in accordance with the rules, limitations, and procedures prescribed for the conduct of such barter stores;

(3) Foreign interests may make minor gifts to domestic interests, which are of a sociable or charitable nature and are not payment for services rendered or to be rendered or in satisfaction of any obligation whatsoever;

(4) Foreign interests may hire and employ domestic interests for personal services incident to ordinary residence within the United States Area of Control, provided such domestic interests are employed and paid prevailing lawful wages through United States agencies, as provided by proper authority, or, in the absence of such provision, in legally acquired German money.

(f) *Article V official duties.* This Ordinance shall not be construed to prevent domestic interests or foreign interests from engaging in such activities as are or may be required in the performance of their official duties on behalf of the United States Army, United States Government or Military Government.

(g) *Article VI, void and voidable transactions.* Any transaction, agreement or contract executed in violation of this Ordinance, including agreements or arrangements made with the intent or for the purpose of evading any provision of this Ordinance, is void. The parties thereto may be obligated to restore the property which was the subject matter of such prohibited transaction, agreement or contract to its original status, and it shall be no defense to such obligation that the consideration which has been paid therefor cannot be returned.

(h) *Article VII, relation to other legislation.* Neither this Ordinance nor any provision hereof shall be construed to permit transactions, activities, or dealings otherwise prohibited by any Control Council or other Military Government legislation, any order of the Allied Kommandatura, or any circular or order of Headquarters, European Command; and the prohibitions contained in this Ordinance shall be in addition to any prohibitions contained in such other legislation, orders or circulars.

(i) *Article VIII, penalties.* (1) Any person, excepting persons subject to United States military law, violating, evading, attempting to violate or evade, or aiding or participating in the violation or evasion of any of the provisions of this Ordinance, or any regulation issued hereunder, shall be tried in the appropriate Military Government Court and, upon conviction, shall be punished by imprisonment, with or without hard labor, not exceeding five years, with or without a fine not exceeding RM 100,000, and, in proper cases, at the discretion of the Court, forfeiture of the property which was the subject of the prohibited transaction, unless the restoration of such property is ordered pursuant to Article VI of this Ordinance.

(2) Juristic persons shall be tried as provided in subparagraph (1) of this paragraph and, upon conviction, shall be subject to the fine and forfeiture penalties set forth in subparagraph (1) and the responsible officers, agents, employees or representatives of such juristic persons shall be subject to all of the penalties therein set forth.

(3) In the discretion of the Court, the fine prescribed in subparagraph (1) of this paragraph may be imposed in the alternate in United States dollars at the conversion rate of ten cents per Reichsmark or at such other rate as may hereinafter be fixed by Military Government.

(j) *Article IX, definitions.* As used in this Ordinance, unless otherwise specified:

(1) "Domestic interests" shall include all German natural or juristic persons existing under public or private law, including corporations, associations, partnerships and German governmental agencies; also foreign nationals, displaced persons and all persons assimilated to them in status, who are living in the German economy.

(2) "Foreign interests" shall include all other natural persons (excepting persons subject to United States military law) foreign governments and agencies thereof, corporations, the stock of which is owned in whole or in part, directly or indirectly, by such foreign governments or their agencies, and associations and partnerships composed in whole or in part of foreign nationals not living within the German economy.

(3) "United States Area of Control" shall include the Laender of Bavaria, Hesse, Wuerttemberg-Baden and Bremen and the United States Sector of the Greater Berlin Area.

(k) *Article X, effective date.* This Ordinance is applicable and shall become effective within the United States Area of Control on September 2, 1947. By Order of Military Government. Approved: August 29, 1947.

§ 3.10c *Ordinance No. 6, as amended by Ordinance No. 18; Military Government Court for Civil Actions—(a) Part I, constitution, jurisdiction and procedure of the Court.* (1) There is hereby established a court designated "Military Government Court for Civil Actions."

(2) The court shall ultimately be composed of three members or judges, each shall be a member of the bar in good standing in one of the States or Territories or the District of Columbia of the United States, well grounded in the law and of outstanding integrity and ability. Members of the court shall be appointed by the Deputy Military Governor for Germany for a term of not less than one year.

(3) The official seat or headquarters of the Court shall be at Stuttgart, but the Court may sit at such times and places within the territorial jurisdiction of the Court as it may determine.

(4) The Deputy Military Governor shall appoint a president of said Court within thirty (30) days from the promulgation of this ordinance. The Court will thereupon be authorized and constituted to function as such. Other members of the court may be appointed by the Deputy Military Governor as business of the Court may require.

(5) Cases will ordinarily be heard by one judge, assigned by the president, but the full court or two members thereof shall sit in any case when the president so directs. The member or members of the court sitting in a particular case shall

render decision thereon. Other members of the court not participating in the hearing or trial shall not participate in the decision or judgment.

(6) The president of the court shall appoint a clerk, a marshal and a stenographer, who will be stationed at the offices of the court in Stuttgart. Members of the court and the clerk shall not be assigned to any other functions in Military Government and shall give their full time to the business of the court. Deputy clerks, deputy marshals, consultants, interpreters and other employees may be appointed by the president of the court as the business of the court may require from time to time. The clerk and the marshal and other employees shall serve at the pleasure of the court, no tenure for such services being hereby established.

(7) The court shall have jurisdiction only over the types of civil actions specified in subsequent parts of this Ordinance.

(8) The court shall have jurisdiction only over:

(i) Cases in which the cause of action arose within the territorial limits of Land Bavaria, Land Bremen, Land Hesse, Land Wuerttemberg-Baden or the United States Sector of Berlin, herein referred to as the territorial jurisdiction of the court, and

(ii) Transitory actions in which at least one party, at the time of filing of complaint, resides or is stationed within the territorial limits specified in subdivision (i) of this subparagraph, even though the cause of action arose elsewhere in Germany.

(9) With respect to parties, the jurisdiction of the court shall extend to all cases concerning which jurisdiction is denied to German courts by Military Government Law No. 2, as amended (see § 3.11). The court shall have concurrent jurisdiction in cases which may be tried in German courts when a national of any of the United Nations is a party.

(10) (Deleted by Ordinance No. 18.)

(11) The court shall have the same functions and powers generally exercised by trial courts in similar causes of action in the United States, except as limited or modified in this Ordinance. A public trial shall be held at which the parties may appear in person or by counsel and may examine and cross-examine witnesses and may introduce evidence including depositions as permitted by the court in its sound discretion. Decision shall be based on the record so developed. Ancillary and ex parte matters, including motions, may be informally heard in chambers.

(12) Military personnel and personnel of Military Government, as well as others subject to the jurisdiction of the court, shall recognize and obey all process and orders of the court.

(13) Military officers and officials of Military Government shall aid in making it possible for all litigants properly to present their cases. Such officers and officials shall freely permit the interviewing of witnesses and the inspection of pertinent records by proper parties and shall facilitate the availability of parties and witnesses in causes and their attendance in court when require. The court

shall grant such reasonable postponements and enter such orders in aid of a full investigation of the facts as may be necessary to meet the ends of justice.

(14) There shall be no jury trials.

(15) No suit may be filed in this court after the period of six months has elapsed from the accrual of the cause of action except that the six-months' period shall not run during the time any defendant is not present within the territorial jurisdiction of the court; provided, however, that a suit on a cause of action over which the court has jurisdiction and which arose on or after November 21, 1945 may be filed on or before March 1, 1948. If service of summons is not made upon the defendant within six months after suit is filed, the court may dismiss the action unless plaintiff shows to the court, that failure to serve was because the defendant cannot be found or is outside its territorial jurisdiction.

(16) The court shall not be bound by technical rules of evidence. The admission or reception of evidence rather than its rejection shall be favored. Factual determinations shall be based on evidence of rational probative force. Stipulations of fact shall be admissible.

(17) Technical rules of pleading shall not be controlling. Short simple statements of fact, allegations, and grounds of defense shall be required. Pleadings may be amended at any time with the court's approval and upon such terms as the court may require. The responsive pleading shall specifically admit or deny or explain each of the facts alleged unless the pleader is without knowledge, in which event he shall so state, such statement operating as a denial. Any allegation in a complaint, cross complaint, or intervenor's petition not denied, as herein provided, in the responsive pleading shall be deemed to be admitted to be true, and may be so found by the court.

(18) The court shall have power to punish for contempt.

(19) (Deleted by Ordinance No. 18.)

(20) (Deleted by Ordinance No. 18.)

(21) The following rules of procedure are hereby established:

(i) Any member of the bar in good standing of a State or Territory or the District of Columbia of the United States or any German lawyer presently qualified and authorized to practice within the territorial jurisdiction of the court may represent clients in said court, although it is not required that a party be represented by counsel.

(ii) There shall be one form of action to be known as a "civil action."

(iii) A civil action is commenced by filing a complaint in the office of the clerk of the court.

(iv) The plaintiff, upon filing a complaint, shall deposit with the clerk of the court the prescribed filing fee, no part of which shall in any event be refunded. Upon a showing by the plaintiff that he is without means to pay the fee, the court may waive all or part of it. Witness fees, service fees, deposition fees and mileage shall be computed as prescribed by German law and, together with the sum paid as filing fee and other proper items, may be recovered as costs by the prevailing party.

(v) Upon the filing of a complaint the clerk shall issue a summons and deliver it for service to the marshal or his deputy or to a person specially appointed by the court. It shall be signed by the clerk under the authority of the court. The summons and copy of the complaint shall be served together, in person, upon the defendant. If the defendant is not a natural person, service may be made in the manner and custom provided by German law except service by publication. Service must be obtained within the territorial jurisdiction of the court. Service may be accepted, waived, or acknowledged in writing by filing with the clerk.

(vi) The defendant's pleading, responsive to the complaint, shall be designated the answer and must be filed in the office of the clerk within twenty (20) days from the date of service of the summons. The plaintiff may file reply within twenty (20) days after service upon him of the answer.

(vii) The marshal, his deputy or a person designated by the court to serve process, shall note his written certificate upon the original of the summons, subpoena or other process showing time and manner of service and file the same forthwith in the clerk's office. When a judgment becomes final the judgment creditor may file a praecipe for writ of execution with the clerk of the court. The clerk will thereupon issue such writ. The marshal shall serve the same by calling upon the debtor for payment. If the debtor fails to pay, the marshal shall seize and levy upon such of his property, personal or real, as he may be able to find within the jurisdiction of the court. He shall sell the same under directions of the court at public auction, making due return and accounting in the premises.

(viii) Pleadings, orders, and papers, other than the summons and complaint, required to be served upon an opposite party may be served by mailing in accordance with the German customs and laws. The attorney making such service by mail shall forthwith file in the clerk's office a certificate in the nature of proof of such service.

(ix) In computing any period of time prescribed or allowed by these rules by order of the court or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Sunday or a holiday observed by Military Government, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

(x) All instruments, pleadings and orders of court shall be filed in the clerk's office and the same shall not become effective until such filings take place.

(xi) Subpoenas for the attendance of witnesses shall be issued by the clerk under the authority of the court upon the request of any party. Subpoenas duces tecum shall be issued only upon order of court. Subpoenas will be served on military personnel through the appropriate commanding officer.

(xii) Depositions within the territorial jurisdiction of the court shall be taken

before a consul or consular agent of the United States or before some United States military or Military Government officer authorized to administer oaths who may be designated by the court.

(xiii) The court, upon the conclusion of a case, shall find the facts specially, and separately state its conclusions of law in writing.

(xiv) Any member of the court may enter a judgment by default upon proper showing, or dispose of other ex parte matters.

(xv) In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or disposition of any other thing capable of delivery, a party may by leave of court deposit with the clerk of the court all or any part of such sum or thing.

(xvi) The clerk's and the marshal's offices with the clerk of deputy and marshal or deputy in attendance shall be open during ordinary office hours on all days except Sundays and holidays observed by Military Government. Deputy clerks and deputy marshals may be stationed in places other than in Stuttgart, as the business of the court requires.

(xvii) All evidence shall be taken stenographically if either party or the court requires. The party requesting a stenographer to take the testimony shall advance such fees for the stenographer as may be fixed by the court. If the court requests the services of a stenographer, each party may be required to advance one half of the cost of such services. A typewritten transcript of the evidence and of the proceedings shall not be made unless ordered by either party or by the court. The costs of same shall be paid by the party ordering the transcript or by both parties, one half each, if the court so orders.

(xviii) Where a judgment debtor has legal access to Military Payment Certificates, is not prohibited by the provisions of Military Government Ordinance No. 10 (see § 3.8) or otherwise from obtaining possession of or using them, and is in one of the three categories listed in subparagraph (24) of this paragraph, entry of satisfaction of a mark judgment shall be made only upon presentation to the clerk of a receipt showing purchase of the marks through the United States Army Finance Office.

(22) The court shall have broad discretion in the matter of procedure and may modify or supplement the rules contained in subparagraph (21) of this paragraph from time to time. The Federal Rules of Civil Procedure may be followed as a guide in the premises.

(23) In the adjudication of claims of exemption from levy and sale under writ of execution, and in attachment and garnishment proceedings, the law of the domicile of the judgment debtor shall control, provided that the allowance of claims of exemption by other than German nationals shall be subject to the sound discretion of the court.

(24) Judgments for damages shall be in German legal tender and shall have the same force and effect as valid judgments rendered by German courts of competent jurisdiction in the United States Zone; provided that when all par-

ties to a case have legal access to Military Payment Certificates and fall within one or more of the categories designated below, and are not prohibited by the provisions of Military Government Ordinance No. 10 (see § 3.8) or otherwise from obtaining possession of or using Military Payment Certificates, the judgment shall be expressed in Military Payment Certificates:

(i) Natural and juristic persons who are citizens of the United States.

(ii) Personnel and civilian employees of the armed forces or other governmental agencies of the United States who are paid for their services exclusively with Military Payment Certificates or dollar credits.

(iii) Dependents of persons in subdivisions (i) and (ii) of this subparagraph.

(25) Equity jurisdiction in aid of the validity and enforcement of its judgments is hereby granted to said court.

(26) A judgment hereunder shall become final on the thirtieth day after rendition unless the aggrieved party, prior to that time, files a petition for review. In that event the court shall certify a complete record of the proceedings, including any transcript of testimony, to the Director of the Office of Military Government of the Land or the Sector in which the case was tried, who may affirm such judgment, which thereupon becomes final, or set the same aside and order a new trial.

(27) No execution shall be issued and no levy shall be made under any execution based upon a judgment more than six years old. No suit shall be brought upon any judgment after six years from the date of its rendition.

(b) *Part II, actions growing out of motor vehicle operation.* (1) Subject to the provisions of paragraph (a) (8) and (9) of this section, the court shall have jurisdiction over civil actions for damages arising out of operation of motor vehicles not owned by the United States Government. Unless otherwise specifically provided, the provisions of this paragraph only relates to such cases.

(2) The filing fees for such cases shall be 100 marks. All filing fees shall be received by the clerk and deposited into a special fund subject to disbursement only by order of the court.

(3) Liability shall be based on fault, negligent or intentional, which is established to be the proximate cause of the damage or injury. Contributory negligence may be pleaded and proved as a bar to recovery. In determining the application of these principles of liability, the court may be guided by the Restatement of the Law of Torts as published by the American Law Institute. Evidence of the violation of the German traffic regulations and rules of the road with respect to the operation of motor vehicles and the conduct of pedestrians and others in relation thereto, except as modified by the Control Council or Military Government, shall be admissible as proof but shall not be considered conclusive proof of negligence. Except as otherwise provided herein, the court shall apply the German Law as modified by the Control Council or Military Government.

(c) *Part III, court sitting as Rhine Navigation Court.* (1) The court shall act as a Rhine Navigation Court for the purpose of the Revised Navigation Act of October 17, 1868 (Preussisches Gesetzblatt 1869, p. 798) as amended (herein referred to as the Convention of Mannheim) with the power to hear and determine civil cases thereunder subject to the provisions of paragraph (a) (8) and (9) of this section, and to the limitations of Article 35 of the Convention of Mannheim.

(2) When acting as Rhine Navigation Court, the court shall sit at Mannheim, at Wiesbaden, and at such other places as it may determine to be convenient to all concerned.

(3) The filing fee for such cases shall be two percent of the amount in litigation, but not less than 20 marks or more than 100 marks.

(4) The jurisdiction of the court in such cases shall extend only to deciding, in summary proceedings, civil actions:

(i) Concerning the amount of payment of fees for piloting, crane services and weighing as well as harbor and quay fees;

(ii) Concerning obstacles placed into the tow path by private persons;

(iii) Concerning damage caused by ships and rafts during their passage or in landing;

(iv) Concerning damage to land alleged to have been caused by tow horses.

(5) In exercising such jurisdiction the court shall be guided by the Convention of Mannheim, the "Gesetz über die Rheinschiffahrtsgesichte" of September 5, 1935 (Reichsgesetzblatt I, p. 1142) and all other relevant German legislation applicable to Rhine Navigation Courts immediately before November 14, 1936 in the area now occupied by the United States.

(6) Appeals from decisions of the court sitting as a Rhine Navigation Court may be made in every case to the Commission Centrale du Rhin only. The procedure for such appeals shall be as prescribed in Article 37 of the Convention of Mannheim. The provisions of paragraph (a) (26) of this section for the filing of a petition for review shall not apply to cases where the court is sitting as a Rhine Navigation Court.

§ 3.29 *General License No. 9; issued pursuant to § 3.15.* Notwithstanding the provisions of §§ 3.15 and 3.40, a General License is hereby granted under these laws permitting all transactions incident to the transfer of title to property or lease thereof either by voluntary act or through the exercise of the power of eminent domain under the law, in accordance with and for the purposes of the Bavarian Law on Land Reform No. 48 (Gesetz No. 48 zur Beschaffung von Siedlungsland und zur Bodenreform) of September 18, 1946 (Bavarian GVB1. p. 326) the Hesse Law on Land Reform (Gesetz zur Beschaffung von Siedlungsland und zur Bodenreform) of October 15, 1946 (Hessian GVB1. p. 218) and the Württemberg-Baden Law on Land Reform No. 65 (Gesetz No. 65 zur Beschaffung von Siedlungsland und zur Bodenreform) of October 30, 1946 (Württemberg-Baden GVB1. p. 263) *Provided, however That:*

(a) The transfer is made to the settlement association or person entitled to receive the property under the above named laws;

(b) Compensation paid for any property subject to Military Government Law No. 52 (§ 3.15) is paid into a blocked account in a financial institution in the United States Zone of Germany in the name of the person who held title to the property;

(c) This license does not authorize transactions with respect to property confiscated by or title to which is vested in the Allied Control Council;

(d) Transfers of property which is subject to disposition, and is subsequently disposed of, by the Allied Control Council under any Control Council enactment or agreement must be set aside and title to such property must be transferred to any grantee designated by Military Government, whenever Military Government determines that the transfer made under this License is inconsistent with the disposition of such property by the Control Council;

(e) Transfers of property subsequently found to be subject to restitution to a former owner or his successor in interest, pursuant to any Restitution Law effective in the American Zone of Occupation, may at any time be set aside by Military Government as null and void;

(f) Any transfer of property of persons outside of Germany, by exercise of right of eminent domain, shall be in accordance with the regulations in respect thereto issued by the appropriate Ministers of Food and Agriculture in coordination with the appropriate Ministers of Justice;

(g) In the event transfers are set aside pursuant to paragraphs (d) and (e) of this paragraph, laws for the protection of purchasers in good faith shall not be applicable: *Provided, however,* That to the extent to which improvements on the property increase the value thereof at the time the transfer is set aside, the person receiving the property shall compensate the proper party encumbrances for improvements shall remain valid to the same extent. By Order of Military Government. Approved: September 20, 1947.

§ 3.29a *General License No. 10; issued pursuant to § 3.15.* (a) A General License is hereby granted under § 3.15 (b) and § 3.40 (a) authorizing all transactions within Germany in connection with any claim for restitution filed pursuant to and within the scope of §§ 3.76 to 3.90, inclusive, *Provided, That:*

(1) The transaction is necessary and incidental to the filing, prosecution, defense, waiver, settlement or final adjudication of such a claim, and also

(2) The claim for restitution is filed on behalf of a persecuted person or his heir or legatee, but not his assignee.

(b) This General License does not authorize:

(1) The debit to any account blocked pursuant to § 3.15, unless the account is in the name of and is owned by a necessary party to the restitution proceeding and such debit is for the payment of the

necessary obligations of such party arising in connection with such proceeding.

(2) The transfer or assignment of title to any property, including funds, located outside Germany.

(3) The transfer or delivery to any person other than the claimant or his agent, of any restituted property.

(4) The export of any property from the United States Zone of Occupation in Germany, including Land Bremen.

(c) This General License shall become effective on November 10, 1947. By order of Military Government.

§ 3.40a *General License No. 3; issued pursuant to § 3.40 (a).* (a) A General License is hereby granted licensing all transactions within the United States Zone of Occupation in Germany which are necessary in connection with and incidental to the export of property from such Zone to any country outside Germany except Spain, Japan, and their dependencies: *Provided, That:*

(1) Such transactions are not prohibited by any law other than § 3.40 (a)

(2) All foreign exchange proceeds resulting from such transactions, or from any contracts which may be made or entered into in connection with such transactions, are paid to the Military Governments for Germany (US/UK)

(3) All such transactions are in conformity with any other terms, conditions, and regulations which may be prescribed by the Joint Export-Import Agency (US/UK) or other authorized designees of Military Governments for Germany (US/UK)

(b) This General License shall not be construed to authorize the export of property from the United States Zone of Occupation in Germany.

(c) The term "United States Zone of Occupation," as used herein, shall include the States of Bavaria, Hesse, Wuerttemberg-Baden, and Bremen.

(d) This General License becomes effective October 22, 1947. By order of Military Government. Approved: October 21, 1947.

§ 3.42 *Law No. 51, currency—(a) Article I, allied military marks.* (1) Allied Military Mark Notes of the denominations specified in paragraph (e) of this section shall be legal tender in the occupied territory of Germany for the payment of any Mark debt.

(2) Allied Military Mark Notes will in all respects be equivalent to any other legal tender Mark currency of the same face value.

(3) No person shall discriminate between Allied Military Marks and any other legal tender Mark currency of equal face value.

(b) *Article II, payment of obligations.* Any obligation, secured or unsecured, expressed in terms of Reichsmarks, Rentenmarks, any other legal tender mark currency, Goldmarks, or marks whose value is correlated according to a sliding scale or in any other way to the price of fine gold (gold clause) or to the price of other precious metals, merchandise, securities or currencies other than German currencies (stabilization clauses) whether falling due before or after the effective date of this law, shall, notwithstanding the provisions of sections 157, 242 and 607 of the German Civil Code

or the provisions of any other German law, be satisfied, upon falling due, by payment, mark for mark, of Reichsmark or Allied Military Mark notes; and the creditor is in all cases bound to accept Reichsmark and Allied Military Mark notes at their face value in discharge of the obligation. Except as authorized by Military Government, no person shall make or enter, or offer to enter into, any arrangement or transaction providing for payment in or delivery of a currency other than marks. Nothing herein shall be construed to permit any payment prohibited by § 3.40 or any other Military Government enactment.

(c) *Article III, penalties.* Any person violating any provision of this law shall, upon conviction by a Military Government Court, be liable to any lawful punishment, other than death, as the court may determine.

(d) *Article IV effective date.* This law shall become effective upon the date of its first promulgation.

(e) *Schedule.*

Denominations of allied military mark notes (marks)	Size (in cm.)	Words and figures indicating amount and printed in
0.50.....	6.7 x 7.8	Green.
1.....	6.7 x 7.8	Dark blue.
5.....	6.7 x 7.8	Reddish purple.
10.....	6.7 x 11.2	Dark blue.
20.....	6.7 x 13.6	Red.
50.....	6.7 x 13.6	Dark blue.
100.....	6.7 x 13.6	Reddish purple.
1,000.....	6.7 x 13.6	Green.

(1) On the face of all notes are printed:

(i) The amount in words—thus: Fünfzig Pfennig, Eine Mark, etc. Also the amount in figures—thus: $\frac{1}{2}$ (on the Pf. 50 note) 1 (on the M. 1 note) etc.,

(ii) The words "Alliierte Militärbehörden" at the top of the note;

(iii) The words "In Umlauf gesetzt in Deutschland" "Serie 1944", and the serial number of the note. On the notes for M. 20, 50, 100, and 1,000 all of these appear twice.

(2) The basic colour of the field on the face of all the notes is light blue; on the back it is reddish brown.

§ 3.52 *General License No. 2 issued under § 3.50.* (a) This General License is granted under the provisions of § 3.50.

(b) Any natural or juristic person or association of persons who is authorized by competent German authority to engage in commercial business activity within the United States Occupied Zone of Germany and Land Bremen may bring into the United States Occupied Zone and Land Bremen from another Zone or Zones, or may remove therefrom to another Zone or Zones, property and goods through normal trade channels, *Provided, however That,* with respect to property and goods removed from the United States Occupied Zone and Land Bremen to another Zone or Zones, which consists of items contained on the critical list of goods and commodities attached hereto as Appendix A (see paragraph (d) of this section) and made a part of this General License, or on such subsequent critical lists as hereafter may be promulgated by Military Government, the approval of the bizonal German Executive

Committee for Economics or its successor agency is required.

(c) Nothing in this General License shall authorize the inward or outward movement across the zonal boundary of the United States Occupied Zone and Land Bremen of items which are prohibited for security reasons or works of art and cultural objects of value and importance. The interzonal movement of works of art and cultural objects of value and importance must be specifically authorized in each case by the Office of Military Government for Germany (U. S.) or by the appropriate Land Office of Military Government, when such authority has been delegated to such Land Office.

(d) *Appendix A.* The list of critical goods and commodities, which may be revised from time to time by Allied Control Authority or other authority, is as follows:

(1) All foodstuffs, including foodstuffs for animals, and all agricultural products used in producing or processing food;

(2) Vegetable seeds, field seeds, and seed potatoes;

(3) All livestock;

(4) Alcohol and alcoholic beverages, except altar wines used for ecclesiastical purposes;

(5) Tobacco and tobacco products;

(6) Soap and soap ingredients;

(7) Textiles, raw materials and textile products;

(8) Raw skins, leather, footwear, and leather products for industrial purposes;

(9) Fertilizers;

(10) Fuels, combustibles of all types, lubricants and lubricating products;

(11) Lumber and sawed wood with the exception of wood for fuel;

(12) Wood pulp, cellulose and paper, excepting articles made out of paper;

(13) Window glass and optical glass;

(14) Natural and synthetic rubber and rubber products;

(15) Electrical machinery and industrial electrical equipment;

(16) Equipment and machinery used exclusively in mines, and explosive materials;

(17) Highway vehicles and parts, vehicle accessories, tractors and parts, locomotives and rolling stock, highway construction and maintenance machinery.

[Military Government Gazette, Germany, U. S. Area of Control] (Sec. 3, 60 Stat. 233; 5 U. S. C. Sup. 1002)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-1501; Filed, Feb. 19, 1949; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter E—Export Control

[Amdt. 391]

PART 803a—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

EXPORT LICENSES FOR SURPLUS AND REJECT STEEL

Part 803a, Licensing Policies and Related Special Provisions is amended by

adding thereto a new § 803a.2 to read as follows:

§ 803a.2 *Provisions concerning export licenses for surplus and reject steel*—(a) *Definitions*. When used in this section:

"Surplus steel" shall mean, in general, steel which is not salable in the domestic market. It may include, but is not limited to steel originally obtained from the War Assets Administration or other agencies of the United States Government.

"Reject steel" shall mean steel which contains snakes, slivers, seams, laminations, fractures, or any other defect which makes it, in general, not salable in the domestic market.

(b) *Application requirements*. All applications for individual licenses to export surplus steel or reject steel shall be governed by the following provisions, in addition to the requirements set forth below in the other paragraphs of this section:

(1) Applications, on the required form IT 419, may be submitted at any time.

(2) All applications must be accompanied by a photostatic or certified copy of the foreign consignee's firm order.

(3) Applications for licenses for surplus steel will be granted only within established quotas.

(c) *Additional requirements for U. S. Government surplus steel*. All applications for individual licenses to export surplus steel originally acquired from the War Assets Administration, or other agencies of the United States Government, must be accompanied by a photostatic or certified copy of each of the following documents:

(1) If the material is in the possession of the exporter-applicant: The documents covering all sales and purchases of the material, beginning with the transaction between the original purchaser and the United States Government, and up to and including the present owner.

(2) If the material is not in the possession of the exporter-applicant, then: (i) A commitment letter from the present owner stating that immediate delivery of the material can be made to the exporter-applicant; and (ii) the documents covering all sales and purchases of the material, beginning with the transaction between the original purchaser and the United States Government, and up to and including the present owner.

(d) *Additional requirements for other surplus steel*. Applications for licenses to export all surplus steel other than that acquired from the War Assets Administration, or other agencies of the United States Government, must be accompanied by evidence showing fully and in detail that the material is not salable in the domestic market.

(e) *Additional requirements for reject steel*. All applications for individual licenses to export reject steel must be accompanied by a photostatic or certified copy of each of the following documents:

(1) If the material is in the possession of the exporter-applicant: either the documents covering the sale to and purchase by the exporter-applicant of the

material, or a statement from the exporter-applicant that he is the producer of the material.

(2) If the material is not in the possession of the exporter-applicant: A commitment letter from the supplier stating that immediate delivery of the material can be made to the exporter-applicant.

(f) *Inspection reports for reject steel*. All applications for licenses to export twenty-five (25) or more short tons of reject steel must be accompanied by a photostatic or certified copy, in duplicate, of an inspection report of a recognized commercial testing laboratory covering inspection of the material. If the material is to be exported by the producer, the producer's mill inspection report may be submitted in lieu of the above commercial testing laboratory report.

(g) *License limitations*—(1) *Validity period*. The validity period of all individual licenses authorizing the exportation of surplus steel or reject steel will be indicated on the license. All such licenses issued hereafter shall be valid for a period of ninety (90) days from the date of validation unless otherwise indicated on the license, or unless the period of validity is reduced or extended by the Department of Commerce. Applications for extension of the validity period will not be granted save where warranted in unusual circumstances. All such licenses are subject to revocation or revision at any time by the Department of Commerce.

(2) *Clearance for export*. Where inspection reports as described in paragraph (f) of this section are required to be presented to the United States Collector of Customs as a condition of clearance of reject steel licensed for export, such requirement will be noted on the license and the inspection report will be attached thereto and thus become part of the license.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective immediately.

Dated: February 9, 1948.

FRANCIS McINTYRE,
Assistant Director
Office of International Trade.

[F. R. Doc. 48-1541; Filed, Feb. 19, 1948;
8:57 a. m.]

[Amtd. 392]

PART 803a—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

EXPORT LICENSES FOR TINPLATE

Part 803a—Licensing policies and related special provisions, is amended by adding thereto a new § 803a.3 to read as follows:

§ 803a.3 *Provisions concerning export licenses for tinplate*. (a) Individual li-

censes authorizing the exportation of tinplate classified under Schedule B Nos. 601300, 601400 and 604100 listed in § 801.2 (b) of this subchapter will be issued, subject however to the special, but not exclusive, considerations, conditions and procedures set forth below in this section.

(b) *End use of shipments*. In general, applications for licenses will not be granted unless it is shown to the satisfaction of the Department of Commerce that the ultimate or end use of such tinplate, Schedule B Nos. 601300, 601400 and 604100, will be for one or more of the following purposes:

(1) The preservation of perishable essential foods for foreign consumption;

(2) The packaging of food products for import into the United States;

(3) Other meritorious end uses.

(c) *CXS priority assistance*. Notice is hereby given that Certified Export Steel (CXS) priority assistance will be assigned by the Office of International Trade, Department of Commerce, only to license applications granted under this section for the end use described above in subparagraph (1) of paragraph (b). Such priority assistance, including mill space reservation for CXS tinplate purchase orders, will be in accordance with Allocations Regulation 2, as amended (including Direction 1 thereof) issued by the Office of Materials Distribution of the Department of Commerce.

(d) *CXS-rated tinplate*. The following special provisions shall govern applications for licenses to export tinplate, Schedule B No. 604100, specifically Electrolytic and Hot-Dipped, Primes and Seconds, for use in the preservation of perishable essential foods:

(1) No such application will be granted unless it is shown that the foreign consignee is a regular consumer of tinplate for the purpose of food preservation.

(2) Applications, on the prescribed form, IT 419, must be submitted at least ninety (90) days prior to the beginning of the calendar quarter in which mill delivery of the tinplate is sought.

(3) If the application is granted, Certified Export Steel (CXS) priority assistance will be assigned thereto by the Office of International Trade, Department of Commerce.

(4) Licenses under this paragraph (d) for the exportation of CXS-rated tinplate will be granted against allocations for the three (3) months period preceding the calendar quarter to which the CXS mill space reservation, if any, is applicable.

(e) *Unrated tinplate for food imports to U. S.* The following special provisions shall govern applications for licenses to export tinplate, Schedule B Nos. 601300, 601400 and 604100, to be used to package food for import into the United States, and for which tinplate CXS priority assistance is not requested:

(1) Applications, on the prescribed form IT 419, covering reasonable quantities of the material may be submitted at any time.

(2) All applications must be accompanied by a statement from the exporter-

applicant or the foreign consignee certifying that the tinplate will be used to package food for import into the United States.

(3) All applications submitted by applicants who are not producers of tinplate also must be accompanied by satisfactory evidence of availability of the tinplate to the applicant, such as a purchase invoice, warehouse receipt, or a letter from the supplier stating that the tinplate will be available to the applicant for export without CXS priority assistance.

(f) *Unrated tinplate for non-food uses abroad.* The following special provisions shall govern applications for licenses to export prime tinplate, Schedule B No. 604100, for non-food uses abroad, and for which CXS priority assistance is not requested:

(1) No such application will be granted unless it is shown that if the material covered by the application is not exported important segments of the foreign trade will suffer thereby.

(2) Applications, on the prescribed form, IT 419, covering reasonable quantities of the material, may be submitted at any time.

(3) All applications submitted by applicants who are not producers of tinplate also must be accompanied by satisfactory evidence of availability of the tinplate to the applicant, such as a purchase invoice, warehouse receipt, or a letter from the supplier stating that the material will be available to the applicant for export without CXS priority assistance.

(g) *Unrated waste-waste tinplate, etc.* The following special provisions shall govern license applications and licenses to export waste-waste tinplate, strips, rings and circles, Schedule B Nos. 601300 and 601400:

(1) No such application will be granted unless it is shown that the ultimate or end use of the material will be for the purpose of:

(i) Preservation of perishable essential foods; or

(ii) Other meritorious end uses.

(2) Certified Export Steel (CXS) priority assistance will not be assigned to such applications.

(3) Applications, on the prescribed form IT 419, may be submitted at any time.

(4) All applications submitted by applicants who are not producers of tinplate must be accompanied by a commitment letter from the supplier stating that the material is available to the applicant and that the material is as specified in the license application. If the material is obtained from a source other than a mill the supplier's letter also must state through what channels it was required.

(5) Licenses issued under this paragraph (g) shall be valid for a period of ninety (90) days from the date of validation, unless the period of validity is reduced or extended by the Department of Commerce or is otherwise indicated on the license. All such licenses are subject to revocation or revision at any time by the Department of Commerce.

No. 36—3

(6) In addition to presentation of original licenses, as provided in § 801.7 of this subchapter, to clear exportations of waste-waste tinplate, strips, rings or circles, an exporter must present to the United States Collector of Customs a photostatic or certified copy of an inspection report of a recognized commercial testing laboratory certifying that the material presented for export is as specified on the license. If the material is being exported by the producer, or is being supplied direct from a producer to the exporter, the producer's mill inspection report may be presented to the Collector of Customs in lieu of the above commercial testing inspection report.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective immediately.

Dated: February 12, 1948.

FRANCIS MCINTYRE,
Assistant Director,

Office of International Trade.

[F. R. Doc. 48-1542; Filed, Feb. 19, 1948;
8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 793, Amdt. 1]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR CONTAINERS TO RIO GRANDE VALLEY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of February, A. D. 1948.

Upon further consideration of Service Order No. 793 (12 F. R. 7888), and good cause appearing therefor: *It is ordered*, That:

Section 95.793 *Refrigerator cars for containers to Rio Grande Valley*, of Service Order No. 793 be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., April 20, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., February 20, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-1496; Filed, Feb. 19, 1948;
8:59 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to certain provisions of § 500.72, see Part 520 of this chapter, *infra*.

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For exceptions to the provisions of § 502.202, see Part 522 of this chapter, *infra*.

[Special Direction ODT 18A-1, Amdt. 9]

PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS, AND SPE- CIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10516, 13320, 14172; 12 F. R. 1034, 2386), Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9034, 10662, 12183; 12 F. R. 105) is hereby further amended by changing Item 910 thereof to read as follows:

910 (c). Asphalt, in bags, shall be loaded to a weight of not less than 60,000 pounds; asphalt, in cartons, shall be loaded to a weight of not less than 80,000 pounds; asphalt in blocks weighing 400 pounds or more each, shall be loaded one tier high covering the entire floor space of the car; and asphalt in wooden barrels with open heads, capacity 40 gallons or more each, or weighing 400 pounds or more each, shall be loaded one tier high covering the entire floor space of the car.

This Amendment 9 to Special Direction ODT 18A-1, as amended, shall become effective February 20, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10516, 13320, 14172; 12 F. R. 1034, 2386)

Issued at Washington, D. C., this 17th day of February 1948.

A. H. GASS,
Director Railway Transport
Department, Office of Defense
Transportation.

[F. R. Doc. 48-1549; Filed, Feb. 19, 1948;
8:57 a. m.]

[General Permit ODT 16C, Rev.-1C]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 16C, Revised, as amended, General Permit ODT 16C, Revised-1B shall be superseded, and it is hereby ordered, that:

§ 522.661 *Shipment of overseas freight.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended (11 F R. 13426, 13465, 13913) any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any overseas freight when consigned to a public warehouse for storage, or in care of a port terminal carrier for carrier storage and in either case prior arrangements have been made for such storage, or when such freight is covered by a bona fide steamship contract or

booking with an ocean carrier, and the export requirements of the Office of International Trade of the Department of Commerce covering such freight have been met: *Provided*, That the shipping order and other shipping documents covering the rail transportation of any such freight bear a certification made by the shipper as follows: In the case of overseas freight consigned to a public warehouse for storage such certification shall show the name of the storage facility. In the case of overseas freight shipped in care of a port terminal carrier for carrier storage such certification shall show the storage permit number issued by the port terminal carrier. In the case of overseas freight not for storage such certification shall show the steamship contract number, the name of the vessel, the steamship agent at the port of export, the first date the steamship company will accept such shipment at the port of export, and the number of the OIT export license or OIT general license symbol, whichever is applicable.

§ 522.662 *Shipments of bulk coal and coke.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended, any person may offer to a rail carrier and any

rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any shipment of overseas freight consisting of coal, in bulk, or coke, in bulk.

This General Permit ODT 16C, Revised-1C shall become effective at 12:01 o'clock a. m., February 20, 1948.

General Permit ODT 16C, Revised-1B (12 F R. 5572) is hereby revoked as of the effective date of this General Permit ODT 16C, Revised-1C.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F R. 6725; E. O. 9389, Oct. 18, 1943, 8 F R. 14183; E. O. 9729, May 23, 1946, 11 F R. 5641, E. O. 9919, Jan. 3, 1948, 13 F R. 59)

Issued at Washington, D. C. this 16th day of February 1948.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 48-1494; Filed, Feb. 10, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

18 CFR, Part 108]

ARRIVAL AND DEPARTURE RECORDS

NOTICE OF PROPOSED RULE MAKING

JANUARY 6, 1948.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules, which are a revision of Part 108, Chapter I, Title 8, Code of Federal Regulations, such part being entitled "Recording of arrivals, departures, and registrations." In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to such proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

The following amendments to Part 108, Chapter I, Title 8, Code of Federal Regulations, are hereby prescribed:

1. Paragraph (a) of § 108.2, *Prescribed forms*, is amended by changing subparagraph (4) in the list of forms to read as follows:

(4) Form I-94, "Record of Alien Admitted for Temporary Stay"—"Visitor's Permit."

2. Section 108.3 (a) is amended to read as follows:

§ 108.3 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of entry.* (a) At the time an alien presenting Forms 257a, 257b, and 257d applies for admission to the United States for temporary stay, the alien shall surrender such forms to an immigrant inspector and, if the alien is admitted, the admitting inspector shall add on all three such forms the data as to the period and other facts of the admission, including the section and subsection of law under which the alien is admitted. The inspector shall deliver Form 257a at once to the alien and shall fasten the form in the alien's passport, if any, in such a way as will not cover or obliterate any notations in the passport. The Form 257b, without transmittal letter, shall be forwarded at once to the Central Office for statistical and permanent record purposes. The Form 257d shall be retained at the port of entry and shall be filed as the record of entry.

3. Section 108.4 is amended by amending paragraph (b) and by adding paragraphs (c) and (d) as follows:

§ 108.4 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of departure.* * * *

(b) An alien admitted to the United States on presentation of Forms 257a, 257b, and 257d and departing from the United States to a country other than

Canada shall not be required to surrender the Form 257a at the time of his departure in the following classes of cases:

(1) An alien child or children, accompanying a parent at the time of entry, are named on the parent's Form 257a and all aliens covered by the form do not depart simultaneously. In such cases, Form 257a shall be surrendered by the alien last departing and endorsed only as to his departure, unless retention is permitted by other paragraphs of this section. If the earlier departures of the other aliens named on the Form 257a occurred at the same port as that at which the entries occurred, the facts of departure shall be posted to the Form 257d and then reported to the Central Office by Form I-424; if the entries occurred at a port other than the one where such earlier departures occurred, such departures shall be verified by Form I-424 to the port of entry and the facts of departure posted to the Form 257d there, after which the Form I-424 shall be forwarded to the Central Office.

(2) Any alien (including a citizen or resident of Mexico) who during his temporary stay in the United States proceeds to Mexico for a visit of not more than 30 days, after which he intends to reenter the United States for the remainder of the period of his original temporary admission.

(3) Other exceptional cases where the Commissioner of Immigration and Naturalization has instructed immigration officers to waive or defer the surrender of Form 257a at the time of the holder's departure from the United States.

(c) Canadian immigration officers will fill Forms 257a and I-94 presented by persons entering Canada from the United States and will deliver such forms to the appropriate United States immigration officers.

CROSS REFERENCE: The lifting of Forms 257a and I-94 by transportation companies from aliens departing through seaports will be provided for in Part 107 of this chapter.

(d) In exceptional cases, the Form 257a surrendered by the alien at the time of his departure from the United States may bear a passport visa valid for more than one entry into the United States and with enough of the period of validity remaining to enable the alien to use the visa to enter the United States again. If in such a case the alien desires to use the visa for an additional entry to the United States, he should in writing request the Commissioner of Immigration and Naturalization to return the Form 257a to him. Where proper, such return shall be made.

CROSS REFERENCE: For consular regulations concerning stamping of passport visa on Form 257a, see 22 CFR 61.115.

4. Section 108.5 (c) is amended to read as follows:

§ 108.5 *Nonimmigrants; Forms I-94 and I-448.* * * *

(c) The admitting immigrant inspector shall fill out Form I-94a or I-94d and deliver it to the alien at the time of admission and shall fasten the form in the alien's passport, if any, in such a way as will not cover or obliterate any notations in the passport. If the alien presents a nonimmigrant visa, the visa application number shall be noted on all copies of the Form I-94. There shall also be noted on all copies of Form I-94 the section and subsection of law under which the alien is admitted. Form I-94 or I-94c shall be

retained at the port of entry and shall be filed as the record of entry. Triplicate copy on Form I-94b or I-94e shall be made at the time of admission and forwarded to the Central Office only in cases (1) where the form is issued to an alien admitted to the United States for more than 29 days; or (2) where the form is issued to an alien whose journey to the United States originates in countries other than Canada or Mexico. Form I-94a or I-94d shall be surrendered by the alien at the time of his departure from the United States, except that where the circumstances described in § 108.4 (b) (1) or (2) exist the alien may retain the form, but the departure reports on Form I-424 shall be made as prescribed in § 108.4 (b) (1) where the circumstances described in that subparagraph exist. Forms I-94a or I-94d surrendered by departing alien shall be returned to the port of entry if different from the port of departure. When satisfactory evidence of departure—normally the surrendered Form I-94 but occasionally Form I-424 or other evidence—is received at the port of entry, the facts of departure shall be posted to the copy of the Form I-94 on file at the port of entry. Thereafter, such evidence of departure shall be forwarded to the Central Office in cases where a triplicate of such form was forwarded to the Central Office. If a departing alien surrenders a Form 257a and a subsequently issued Form I-94, the surrendered Form 257a shall be attached to the surrendered Form I-94 and the Form I-94 routed in the usual way to the port of entry shown thereon.

CROSS REFERENCE: For issuance of Form I-94 in the cases of students, see Part 125 of this chapter.

5. Section 108.9 (a) is amended to read as follows:

§ 103.9 *Endorsement of passports.* (a) When an alien admitted temporarily to the United States is issued a Form 257a or a Form I-94, the admitting immigrant inspector shall stamp any passport presented by the alien (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission. There shall be inscribed in the passport as a part of such endorsement the visa application number appearing on the Form 257a—if such number does not appear in the passport visa—or the serial number of the Form I-94. Immigrant inspectors shall not endorse passports in cases other than those expressly prescribed by this section and by § 125.12 (b) of this chapter and shall not in any case place their signatures or titles in passports.

6. Section 108.10 is added as follows:

§ 108.10 *Manifest record where claim to United States citizenship questioned.* If a person arriving at any port of entry to the United States by any means of travel claims to be a citizen of the United States and is detained for examination before a board of special inquiry, immigration officers shall prepare a manifest record of such case on Form I-448 in duplicate.

(Sec. 23, 39 Stat. 832, sec. 24, 43 Stat. 166, sec. 37 (a) 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

T. B. SHOETMAKER,
Acting Commissioner of
Immigration and Naturalization.

Approved: February 13, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-1592; Filed, Feb. 19, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service: Bureau of the Public Debt

[1948 Dept. Circ. 823]

1½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1949

OFFERING OF CERTIFICATES

FEBRUARY 18, 1948.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 1½ percent Treasury Certificates of Indebtedness of Series C-1949, in exchange for ½ percent Treasury Certificates of Indebtedness of Series C-1948, maturing March 1, 1948, 2 percent Treasury Bonds of 1948-50, dated March 15, 1941, called for redemption on March 15, 1948, or 2¾ percent Treasury Bonds of 1948-51, called for

redemption on March 15, 1948. Exchanges will be made par for par in the case of the maturing certificates, and at par with an adjustment of interest as of March 15, 1948, in the case of the called bonds.

II. *Description of certificates.* 1. The certificates will be dated March 1, 1948, and will bear interest from that date at the rate of 1½ percent per annum, payable with the principal at maturity on March 1, 1949. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificate shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without no-

tice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment for certificates allotted hereunder must be made on or before March 1, 1948, or on later allotment. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series C-1948, maturing March 1, 1948, in Treasury Bonds of 1948-50, called for redemption on March 15, 1948, or in Treasury Bonds of 1948-51, called for redemption on March 15, 1948, which will be accepted at par and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following acceptance of the certificates. In the case of the called bonds in coupon form, payment of accrued interest on the new certificates from March 1, 1948 to March 15, 1948 (\$0.43151 per \$1,000) should be made when the subscription is tendered. In the case of maturing registered bonds, the accrued interest will be deducted from the amount of the check which will be issued in payment of final interest on the bonds surrendered. Final interest due March 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of March 15, 1948 coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1948-50 and Treasury Bonds of 1948-51 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Certificates of Indebtedness of Series C-1949 to be delivered to _____" in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-1492; Filed, Feb. 19, 1948;
8:49 a. m.]

DEPARTMENT OF THE ARMY

[Order No. 1]

DISPOSITION OF CERTAIN COAL PROPERTIES IN GERMANY

Whereas, it is a basic objective of the United Nations that the German economy shall be decentralized for the purpose of eliminating excessive concentration of economic power; and

Whereas, it is a basic policy of U. S. Military Government, in accord with the objectives above stated, to ensure complete separation in law and in fact of coal distributing companies, coal dealers, and any company association engaged in mining or processing of solid fuels; and

Whereas, in approving the Constitution of Land Wuerttemberg-Baden, certain powers were expressly reserved by Military Government in order to effectuate the basic policies of the occupation as were set forth in Article I of Military Government Proclamation No. 4; and

Whereas, due to the vital and comprehensive influence of the coal industry on the whole German economy, certain steps had already been taken prior to the promulgation of Military Government Law No. 56 to effect the separation of coal distribution companies from the mining interests; and

Whereas, U. S. Military Government Law No. 56 is concerned primarily with trade practices and corporate reorganizations of individual enterprises constituting excessive economic concentration it is therefore appropriate to carry out immediately the long standing and basic occupation policy of separating ownership of the coal distribution properties in the U. S. Zone from ownership connections with the mines.

It is hereby ordered, That the Minister President for Wuerttemberg-Baden, through appropriate governmental agencies and means available, take immediate and sufficient steps to insure complete separation in law and in fact of coal distributing companies and coal dealers from any company or organization engaged in the mining or processing of solid fuels, and particularly to publicly offer for sale within thirty (30) days after date of this order, the following coal distributing companies located in Stadtkreis Stuttgart, which are presently owned or controlled in whole or in part by certain mining concerns:

Jakob Trauf & Sohn, Stuttgart—Stinnes.
Franz Bauerle K. G., Stuttgart—Stinnes.
Louis Thier & Cie., G. m. b. H., Stuttgart—Krupp.
Westermann G. m. b. H., Stuttgart—Flick.
Raab Karcher & Cie., G. m. b. H., Stuttgart—Vereinigte Stahlwerke AG.
Haniel G. m. b. H., Stuttgart—Haniel.
Kohlenkontor, G. m. b. H., Stuttgart—Hörsche.
Wuerttembergisches Kohlegeschäft,
G. m. b. H., Stuttgart—Göring.

1. The sales shall be conducted and consummated to the highest qualified bidder according to such methods as you shall devise subject, however, to the following conditions which you are required to observe:

(a) The sales will include all physical assets and going concern value of the properties involved. The stock and accounts payable and accounts receivable, together with all reponsibilities to creditors and as to possible causes of action, shall remain in the parent company.

(b) Title will be transferred to purchasers by appropriate legal instruments in accordance with the requirements of German law. Execution of such instruments may be required by the German Land Government for Wuerttemberg-Baden on the authority of this order.

(c) Only persons (including juridical persons) who can show they have resided in the Stuttgart Stadtkreis over a period of six (6) months immediately prior to October 30, 1947, will be allowed to bid, except that foreigners (i. e., non-citizens of Germany) may bid to the extent that they have lost or will lose because of these sales similar property in Germany during or since the war and to the extent that they have legitimately acquired funds already available in Germany.

(d) The proposed sales shall be widely publicized in Wuerttemberg-Baden for a period of thirty (30) days commencing not later than October 30, 1947.

(e) Military Government will arrange for adequate additional publicity to announce the sales to foreigners having partial ownership in any of the parent companies, as well as other persons or entities entitled to purchase under the policy mentioned in paragraph 1 (c) above.

(f) All bidders are to be required to certify under oath that they are purchasing for themselves and not as ostensible owners for another or others. (Any violation of this provision will render the sale null and void.)

(g) Bidders must be qualified, under the provisions of the law for Liberation from National Socialism and Militarism of March 5, 1946, as amended, to acquire an interest in and to be active in such a private enterprise.

(h) Bidders will be required satisfactorily to show that their financial position is one which will make it logically possible for them to have the funds on hand for such a purchase without having acquired them in an illegal manner or through war profiteering.

(i) The successful purchaser will not be allowed to use the fact that he was forced to pay a high price for the property as an argument for an increase in the controlled price of the commodities sold by the concern purchased.

(j) No bidder will be allowed to purchase or participate in the purchase or ownership of more than one of these properties.

(k) 40% of the purchase price will be payable immediately in Reichsmarks. The remaining 60% will be secured by a mortgage held by the German Land Government for Wuerttemberg-Baden or its successor and will be payable three (3) years from the date of sale with no right

of acceleration. In spite of the fact that only 40% of the purchase price will be paid at the time of sale, title will pass immediately to the successful bidder, subject to a provision in the sales contract that the property will revert to the German Land Government or its successor at the end of three (3) years if the balance of the purchase price is not paid within a reasonable time thereafter, or if arrangements satisfactory to such Government are not made for its payment. In the event title is forfeited to the German Land Government, or its successor, such Government will, within six (6) months from the date of such forfeiture again offer the property for sale to the highest bidder who can qualify under the provisions of paragraph 1 hereof.

(l) All purchase money paid for the properties shall be collected by the German Land Decartelization Agency for Wuerttemberg-Baden and turned over to U. S. Military Government for retention in escrow pending a determination of the final disposition of the assets of the parent companies.

(m) The contracts of sale should provide that all taxes and expenses connected with the sale will be paid by the buyer, with the exception of any income tax involved which will remain the responsibility of the seller.

(n) No present or future sales of the properties shall be made in violation of Law No. 56.

(o) If any resale of the property takes place within five (5) years of the date of the first sale, 90% of any profit on the sale of the property shall be payable by the seller to the Land Government for Wuerttemberg-Baden, or its successor, and any such resale shall be subject to approval by the German Land Government for Wuerttemberg-Baden, or its successor, and by Military Government.

2. All sales under this order must be finally approved by Military Government.

By order of Military Government—Germany, United States Area of Control.

[SEAL] LUCIUS D. CLAY,
Military Governor.

OCTOBER 1, 1947.

[F. R. Doc. 48-1500; Filed, Feb. 19, 1948;
8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ENGINEERING EVIDENCE IN BROADCAST HEARINGS

FEBRUARY 12, 1948.

Inquiries have been received by the Commission concerning the place at which engineering evidence will be taken in broadcast hearings scheduled to be held in the field. In accordance with past practice, the Commission plans to have all testimony relating to engineering matters in such proceedings taken in Washington, D. C. Ordinarily, evidence relating to non-technical matters only will be taken in the field. However, in those proceedings held both in Washing-

ton and in the field, involving less complex engineering problems, such as competitive problems in the same community for Class IV operations which appear to involve no engineering conflicts except with each other, the engineering data contained in the applications may be incorporated into the record upon stipulation of counsel for the applicants and the acquiescence of counsel for the Commission and the Hearing Officer. Accordingly, where it appears that a record in such a case is complete, the Hearing Officer may at his discretion close the record in order to avoid the need for reconvening the parties.

The Commission must, of course, reserve the right subsequently to request additional engineering data, including engineering testimony if necessary, should it appear that the technical information in the record is insufficient to permit arriving at a decision in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1503; Filed, Feb. 19, 1948;
8:52 a. m.]

[Docket No. 7555]

MUTUAL TELEPHONE CO. AND RCA COMMUNICATIONS, INC.

ORDER SCHEDULING REARGUMENT

In the matter of applications of Mutual Telephone Company, for construction permit for new fixed point-to-point radiotelephone station at Honouliuli, Oahu, T. H. RCA Communications, Inc., for renewal of license for fixed point-to-point radiotelephone station at Kahuku, T. H. Docket No. 7555, File No. 335-PHP-A, File No. P5-RH-28.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1948;

The Commission, having under consideration the record of the proceedings herein, including the Commission's proposed report of October 13, 1947, the exceptions thereto filed by Mutual Telephone Company, the reply of RCA Communications, Inc. to said exceptions, and the oral argument held before the Commission on January 14, 1948;

It appearing, that the Commission desires to hear further oral argument from the parties with respect to the issues herein, and particularly regarding the question, in determining the issue herein of public interest, convenience, or necessity, of the materiality and weight, if any, to be given the fact that Mutual Telephone Company operates the local telephone service in Hawaii, and deals directly with the public in Hawaii in originating and terminating telephone calls to and from the continental United States, with RCA Communications, Inc., performing the transoceanic telephone transmission and reception services under contract with Mutual Telephone Company.

It is ordered, That reargument shall be held before the Commission with respect

to the issues herein, and particularly with respect to the specific question stated above, at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 22d day of March 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1503; Filed, Feb. 19, 1948;
8:52 a. m.]

[Docket No. 7876]

ROCHESTER BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 7876, File No. BP-5020; for construction permit.

Whereas, the above-entitled application of Rochester Broadcasting Company, Rochester, Minnesota, is scheduled to be heard on February 10, 1948, at Washington, D. C., and

Whereas, there is pending a petition for reconsideration and grant without hearing filed December 22, 1947, by the said applicant; and counsel for the above-entitled applicant has consented to a continuance of the said hearing pending action on the said petition for reconsideration and grant without hearing;

It is ordered, This 9th day of February, 1948, on the Commission's own motion, that the said hearing on the above-entitled application of Rochester Broadcasting Company, be, and it is hereby, continued to 10:00 a. m. Friday, February 27, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1503; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket Nos. 7933-7939]

JORAMA-FER RADIO CORP. AND CAGUAS RADIO BROADCASTING, INC.

ORDER CONTINUING HEARING DATE

In re applications of Jorama-Fer Radio Corporation, Caguas, Puerto Rico, Docket No. 7938, File No. BP-5174; Caguas Radio Broadcasting, Inc., Caguas, Puerto Rico, Docket No. BP-7939, File No. BP-5475; for construction permits.

The Commission having under consideration a joint petition filed February 2, 1948, by Jorama-Fer Radio Corporation, Caguas, Puerto Rico, and Caguas Radio Broadcasting, Inc., Caguas, Puerto Rico, requesting that the consolidated hearing on their above-entitled applications for construction permits be continued from February 10, 1948, to February 26, 1948, at Washington, D. C., and

It appearing, that a continuance of the hearing to February 27, rather than February 26, 1948, would better serve the convenience of the Commission;

It is ordered, This 6th day of February, 1948, that the petition be, and it is hereby granted; but that the said hearing be

NOTICES

continued to 10:00 a. m., Friday, February 27, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1523; Filed, Feb. 19, 1948;
8:55 a. m.]

[Docket No. 8008]

EUGENE BROADCAST STATION (KORE)

ORDER CONTINUING HEARING

In re application of Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE) Eugene, Oregon, Docket No. 8008, File No. BP-5470; for construction permit.

The Commission having under consideration a petition filed January 29, 1948, by Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the Estate of Frank L. Hill, Deceased, d/b as Eugene Broadcast Station (KORE) Eugene, Oregon, requesting a 60-day continuance of the hearing now scheduled for February 20, 1948, at Washington, D. C., on its above-entitled application for construction permit;

It is ordered, This 6th day of February, 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, April 20, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1507; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket No. 8044]

JOHN J. DEMPSEY

ORDER CONTINUING HEARING DATE

In re petition of John J. Dempsey, Santa Fe, New Mexico, Docket No. 8044.

The Commission having under consideration a petition filed February 5, 1948, by Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, requesting a three-month continuance from February 26, of the hearing on the petition of John J. Dempsey, Santa Fe, New Mexico (Docket No. 8044)

It appearing, that counsel for John J. Dempsey has consented to a grant of the said petition;

It is ordered, This 13th day of February 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Monday, May 24, 1948, at Albuquerque, New Mexico.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1526; Filed, Feb. 19, 1948;
8:55 a. m.]

- [Docket Nos. 8083, 8084]

CAPITOL BROADCASTING CO. AND
WSWZ, INC.

ORDER CONTINUING HEARING DATE

In re applications of Capitol Broadcasting Company, Trenton, New Jersey, Docket No. 8083, File No. BP-4832; WSWZ, Incorporated, Trenton, New Jersey, Docket No. 8084, File No. BP-5590; for construction permits.

The Commission having under consideration a joint petition filed January 26, 1948, by Capitol Broadcasting Company, Trenton, New Jersey, and WSWZ, Incorporated, Trenton, New Jersey requesting that the Commission continue the consolidated hearing on the above-entitled applications for construction permits from February 10, 1948, to March 1, 1948, at Washington, D. C.,

It is ordered, This 6th day of February, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, March 1, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1517; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket Nos. 8153, 8499, 8532, 8533, 8541]

FRANCISCO RENTAL CO. ET AL.

ORDER SCHEDULING HEARINGS

In re applications of O. E. Bohlen and O. L. Bohlen, a partnership d/b as Francisco Rental Company, Victorville, California, Docket No. 8153, File No. BP-5556; James L. Mottly, and Guy Marchetti, a partnership, d/b as Marmat Radio Company, Bakersfield, California, Docket No. 8532, File No. BP-6184; J. E. Rodman, Bakersfield, California, Docket No. 8533, File No. BP-6335; Edward Iannelli and John C. Mead, a partnership, d/b as Redlands Broadcasting Company, Incorporated, Redlands, California, Docket No. 8499, File No. BP-6099; C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer, and James B. Stone, a partnership, d/b as Orange Empire Broadcasting Company, Redlands, California, Docket No. 8541, File No. BP-6322; for construction permits.

Whereas, the above-entitled applications of Francisco Rental Company, Victorville, California, Marmat Radio Company, Bakersfield, California, J. E. Rodman, Bakersfield, California, Redlands Broadcasting Company, Incorporated, Redlands, California and Orange Empire Broadcasting Company, Redlands, California, are scheduled to be heard in a consolidated proceeding at Washington, D. C., beginning March 10, 1948; and

Whereas, on February 6, 1948, the above-entitled application of James L. Mottly, and Guy Marchetti, a partnership, d/b as Marmat Radio Company, Bakersfield, California, was amended to

specify 970 kc, 5 kw power, unlimited time, using directional antenna at night; and

Whereas, the conflict which impelled the designation for hearing of the above-entitled application of O. E. Bohlen and O. L. Bohlen, a partnership, d/b as Francisco Rental Company, Victorville, California, and the consolidation for hearing of the above-entitled applications for Bakersfield, California, with the applications for Redlands, California, has been resolved;

It is ordered, This 9th day of February 1948, that the above-entitled application of O. E. Bohlen, and O. L. Bohlen, a partnership, d/b as Francisco Rental Company, Victorville, California, be, and it is hereby, removed from the hearing docket; and that the above-entitled applications of James L. Mottly, and Guy Marchetti, a partnership, d/b as Marmat Radio Company, Bakersfield, California, and J. E. Rodman, Bakersfield, California, be, and they are hereby, severed together from the above-entitled applications of Edward Iannelli and John C. Mead, a partnership, d/b as Redlands Broadcasting Company, Inc., Redlands, California, and C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer and James B. Stone, a partnership, d/b as Orange Empire Broadcasting Company, Redlands, California, and

It is further ordered, That the consolidated proceeding on the said applications of Edward Iannelli and John C. Mead, a partnership, d/b as Redlands Broadcasting Company, Inc., Redlands, California, and C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer and James B. Stone, a partnership, d/b as Orange Empire Broadcasting Company, Redlands, California, be, and they are hereby, scheduled to be heard on March 9 and 10, 1948, at Washington, D. C., and that the consolidated proceeding on the applications of James L. Mottly, and Guy Marchetti, a partnership, d/b as Marmat Radio Company, Bakersfield, California, and J. E. Rodman, Bakersfield, California, be, and they are hereby, scheduled to be heard on March 11 and 12, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1522; Filed, Feb. 10, 1948;
8:55 a. m.]

[Docket No. 8157]

PRYOR DILLARD

ORDER CONTINUING HEARING DATE

In re application of Pryor Dillard, Raymondville, Texas, Docket No. 8157, File No. B3-P-5458; for construction permit.

The Commission having under consideration a petition filed January 30, 1948, by Pryor Dillard, Raymondville, Texas, requesting an indefinite continuance of the hearing now scheduled for February 19, 1948, at Washington, D. C., on the above-entitled application;

It is ordered, This 6th day of February 1948, that the petition be, and it is hereby, granted in part; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, April 28, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1525; Filed, Feb. 19, 1948;
8:55 a. m.]

[Docket Nos. 8254, 8506]

MT. PLEASANT BROADCASTING CO. AND
R. G. LETOURNEAU

ORDER CONTINUING HEARING DATE

In re applications of Winston O. Ward, tr/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, Docket No. 8254, File No. BP-5439; R. G. LeTourneau, Longview, Texas, Docket No. 8506, File No. BP-6195; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding on February 16, 1948, at Washington, D. C., and

Whereas, R. G. LeTourneau has indicated that he will request leave to amend his above-entitled application to specify the frequency 1280 kc in lieu of 960 kc and thus remove the conflict between the above-entitled applications; and there is pending a petition filed February 5, 1948, by Winston O. Ward, tr/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, requesting reconsideration and grant of his said application if the Commission should grant R. G. LeTourneau leave to amend as described above; and

Whereas, a continuance of the said consolidated hearing would serve the public interest, convenience and necessity

It is ordered, This 11th day of February, 1948, that the said consolidated hearing in the proceeding on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, March 4, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1524; Filed, Feb. 19, 1948;
8:55 a. m.]

[Docket Nos. 8285, 8627]

NORTH JERSEY BROADCASTING CO., INC.
(WPAT) AND MONOCACY BROADCASTING
CO. (WFMD)

ORDER CONTINUING HEARING DATE

In re applications of North Jersey Broadcasting Company, Inc. (WPAT) Paterson, New Jersey, Docket No. 8285, File No. BP-4613; The Monocacy Broadcasting Company (WFMD) Frederick, Maryland, Docket No. 8627, File No. BP-6128; for construction permits.

The Commission having under consideration a joint petition filed February 5, 1948, by North Jersey Broadcasting

Company, Inc. (WPAT), Paterson, New Jersey, and The Monocacy Broadcasting Company (WFMD), Frederick, Maryland, requesting a 30-day continuance of the hearing now scheduled for February 16, 1948, at Washington, D. C., on the above-entitled applications for construction permits;

It appearing, that a continuance of the said hearing to March 11, 1948, would better serve the convenience of the Commission than would a 30-day continuance;

It is ordered, This 9th day of February 1948, that the petition be, and it is hereby, granted; but that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, March 11, 1948, at Washington, D. C.

By the Commission:

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1520; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; for construction permit.

Whereas, the above-entitled application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, is scheduled to be heard on February 10, 1948, at Washington, D. C., and

Whereas, there is pending a petition for reconsideration and grant without hearing filed December 24, 1947, by the said applicant; and counsel for the above-entitled applicant has consented to a continuance of the said hearing pending action on the said petition for reconsideration and grant without hearing;

It is ordered, This 9th day of February 1948, on the Commission's own motion, that the said hearing on the above-entitled application of Charles Wilbur Lamar, Jr., be, and it is hereby continued to 10:00 a. m., Thursday, February 26, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1503; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket No. 8303]

McCLATCHY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of McClatchy Broadcasting Company, Stockton, California, Docket No. 8306, File No. BPH-565; for construction permit.

The Commission having under consideration a petition filed January 27, 1948, by McClatchy Broadcasting Company, Stockton, California, requesting that the hearing on its above-entitled

application for construction permit be continued from February 20, 1948, at Stockton, California, to approximately May 16, 1948, at Stockton, California;

It is ordered, This 6th day of February, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, May 14, 1948, at Stockton, California.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1511; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket No. 8303]

DAVENPORT BROADCASTING CO., INC.
(KSTT)

ORDER CONTINUING HEARING DATE

In re application of Davenport Broadcasting Company, Inc. (KSTT) Davenport, Iowa, Docket No. 8303, File No. BP-5984; for construction permit.

The Commission having under consideration a petition filed February 3, 1948, by Davenport Broadcasting Company, Inc. (KSTT) Davenport, Iowa, requesting that the hearing on its above-entitled application for construction permit be continued from February 9, 1948, to February 23, 1948, at Washington, D. C.,

It appearing, that counsel for all parties to the proceeding on the above-entitled application have, since the filing of the instant petition, agreed to a continuance of the said hearing to February 27, 1948;

It is ordered, This 6th day of February 1948, that the petition be, and it is hereby, granted; but that the said hearing on the above-entitled application be, and it is hereby, continued to 9:00 a. m., Friday, February 27, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1523; Filed, Feb. 19, 1948;
8:56 a. m.]

[Docket Nos. 8364, 8395]

WCAR, INC., AND TWIN CITIES BROADCASTING CORP. (WDGY)

ORDER CONTINUING HEARING

In re application of WCAR, Inc. (WCAR) Pontiac, Michigan, Docket No. 8364, File No. BP-5971, for construction permit. In re order to show cause directed to Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8335, File No. BS-669.

The Commission having under consideration a petition filed January 30, 1948, by WCAR, Inc. (WCAR), Pontiac, Michigan, requesting a thirty-day continuance of the hearing now scheduled at Washington, D. C., on February 18, 1948, on its application for construction permit (File No. BP-5971; Docket No. 8364) and on

NOTICES

the order to show cause directed to Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota (File No. BS-669; Docket No. 8395),

It is ordered, This 6th day of February 1948, that the petition be, and it is hereby, granted; and that the said consolidated hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, March 17, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1510; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

ORDER CONTINUING HEARING

In re application of Ozarks Broadcasting Company (KWTO) Springfield, Missouri, Docket No. 8380, File No. BP-5259; for construction permit.

The Commission having under consideration a petition filed February 12, 1948, by Ozarks Broadcasting Company (KWTO) Springfield, Missouri, requesting a 30-day continuance from February 27, 1948, of the hearing scheduled at Washington, D. C., on its above-entitled application for construction permit;

It is ordered, This 13th day of February, 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, March 31, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1521; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket No. 8392]

WFMJ BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of The WFMJ Broadcasting Company (WFMJ) Youngstown, Ohio, Docket No. 8392, File No. BMP-2440; for construction permit.

Whereas, the above-entitled application is scheduled to be heard on February 23, 1948, at Washington, D. C., and

Whereas, February 23, 1948, has been appointed the day for the official celebration of the anniversary of the birth of George Washington, and the above-entitled applicant has consented to a continuance of the said hearing;

It is ordered, This 13th day of February 1948, that the said hearing on the above-entitled application be, and it is hereby continued to 10:00 a. m., Wednesday, March 3, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1516; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket No. 8479]

ATLANTIC BROADCASTING CO., INC.
(WHOM)

ORDER CONTINUING HEARING DATE

In re application of Atlantic Broadcasting Company, Incorporated (WHOM), Jersey City, New Jersey, Docket No. 8479, File No. BML-1256, for modification of license.

Whereas, the above-entitled application is scheduled to be heard on February 23, 1948, at Jersey City, New Jersey; and

Whereas, Monday, February 23, 1948, has been appointed the day for the official celebration of the anniversary of George Washington's birth; and a continuance of the said hearing to February 24, 1948, would serve the convenience of the Commission and the above applicant;

It is ordered, This 13th day of February 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, February 24, 1948, at Jersey City, New Jersey.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1518; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket No. 8480]

SALT RIVER VALLEY BROADCASTING CO.
(KOY)

ORDER CONTINUING HEARING DATE

In re application of Salt River Valley Broadcasting Company (KOY), Phoenix, Arizona, Docket No. 8480, File No. BP-5733; for construction permit.

The Commission having under consideration a petition filed February 5, 1948, by Salt River Valley Broadcasting Company (KOY), Phoenix, Arizona, requesting a twenty-day continuance of the hearing now scheduled for February 16, 1948, at Washington, D. C., on its above-entitled application for construction permit;

It is ordered, This 13th day of February, 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Friday, March 5, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1531; Filed, Feb. 19, 1948;
8:56 a. m.]

[Docket No. 8499, 8541]

REDLANDS BROADCASTING CO. AND ORANGE
EMPIRE BROADCASTING CO.

ORDER CONTINUING HEARING DATE

In re applications of Edward Iannelli and John C. Mead, a partnership d/b as Redlands Broadcasting Company, Redlands, California, Docket No. 8499, File No. BP-6099; C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R.

Quinn, Edward J. Roberts, Louis P. Scherer, and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company, Redlands, California, Docket No. 8541, File No. BP-6322; for construction permits.

The Commission having under consideration a petition filed February 3, 1948, by C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer, and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company, Redlands, California, requesting a sixty-day continuance of the hearing now scheduled for March 9 and 10, 1948, at Washington, D. C. on its application for construction permit (File No. BP-6322; Docket No. 8541) and the application of Edward Iannelli and John C. Mead, a partnership d/b as Redlands Broadcasting Company, Redlands, California (File No. BP-6099; Docket No. 8499),

It is ordered, This 13th day of February 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby continued to 10:00 a. m., Monday, May 10, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1530; Filed, Feb. 19, 1948;
8:56 a. m.]

[Docket No. 8510]

FOUR STATES BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of The Four States Broadcasting Company, Inc., Hagerstown, Maryland, Docket No. 8510, File No. BP-5641, for construction permit.

Whereas, the above-entitled application is presently scheduled to be heard on February 26, 1948, at Hagerstown, Maryland; and

Whereas, counsel for the said applicant has requested that the place of hearing be changed from Hagerstown, Maryland, to Washington, D. C., and the public interest, convenience and necessity would be served by changing the place of hearing from Hagerstown, Maryland, to Washington, D. C.,

It is ordered, This 11th day of February 1948, that the said hearing on the above-entitled application be, and it is hereby, scheduled to be heard at 10:00 a. m., Thursday, February 26, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1527; Filed, Feb. 19, 1948;
8:55 a. m.]

[Docket No. 8512]

THOMAS PATRICK, INC. (KWK)

ORDER CONTINUING HEARING DATE

In re application of Thomas Patrick, Incorporated (KWK), St. Louis, Mis-

souri, Docket No. 8512, File No. BP-4843; for construction permit.

The Commission having under consideration a petition filed February 12, 1948, by Thomas Patrick, Inc. (KWK) St. Louis, Missouri, requesting a 30-day continuance of the hearing on its above-entitled application for construction permit now scheduled for February 20, 1948, at Washington, D. C.,

It is ordered, This 13th day of February 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, March 24, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1519; Filed, Feb. 19, 1948;
8:54 a. m.]

[Docket No. 8516]

EDITORIALIZATION BY BROADCAST LICENSEES

PROPOSED ORDER OF TESTIMONY

FEBRUARY 13, 1948.

The hearing on the above entitled matter will commence on March 1, 1948, in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 13th and 14th Streets NW., at 10:00 a. m. It is planned to have the witnesses appear in the order listed below. Any person who desires to appear and whose name does not appear on the list below or who desires to appear at some other time or in some other order other than listed below, should get in touch with the General Counsel of the Commission, Mr. Benedict P. Cottone.

American Broadcasting Company.
Columbia Broadcasting System.
National Broadcasting Company.
Yankee Network.
Straus, Nathan (Station WMCA).
Sexton, Morgan (Station KROS).
Mason, Robert (Station WMRN).
Chicago Federation of Labor (Station WCFL).
Cornell University (Station WHCU).
United Automobile Workers, CIO.
Voice of Freedom Committee.
Communication Workers of America.
Carson, Saul.
American Civil Liberties Union.
Siepmann, C. A.
Novik, M. S.
Pierson, Theodore.
American Jewish Congress.
AMVETS.
Congress of Industrial Organizations.
Ernst, Morris L.
Farmers Union of America.
American Veterans Committee.
Institute for Education by Radio.
Chester, Girard.
Cooperative League, U. S. A.
American Federation of Labor.
Iowa Association of Radio News Editors.
American Council of Christian Churches.
Advertising Federation of America.
Revere Racing Association.
Committee for Constitutional Government.
Progressive Citizens of America.
Committee to Insure Non-Partisan Radio.
Radio Writers Guild.

No. 36—4

American Federation of Radio Artists.
Joint Religious Radio Committee.
American Jewish Committee.
Radio Directors Guild.
National Association of Radio News Directors.
Radio and Television Broadcast Engineers Union.
National Association of Broadcast Engineers and Technicians.
National Association of Educational Broadcasters.
Association of Broadcast Unions and Guilds.
American Federation of Musicians.
American Association of Theatrical and Radio Press Agents.
FM Association.
National Association of Broadcasters.
Craven, T. A. M. (Station WOL).
Station WGN.
Cushman, Robert E. (Station WHCU).
Lottridge, Berl (Station WOC).
Hardy, Ralph (Station ESL).
Miller, Phil.
Quarton, William (Station WMT).
Scripps, William J. (Station WVVJ).
Siebert, Dr. Frederick.
Vadeboncoeur, E. R. (Station WSYR).
Waldrop, Frank.
Loudermilk, Ronnie.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1512; Filed, Feb. 19, 1948;
8:53 a. m.]

[Docket Nos. 8536, 8578]

STATION WWPB AND MIDDLESBORO BROADCASTING CO. (WMIK)

ORDER CONTINUING HEARING DATE

In the matter of revocation of construction permit of Station WWPB, Middlesboro, Kentucky, Docket No. 8536; petition of Middlesboro Broadcasting Company (WMIK), Middlesboro, Kentucky, Docket No. 8578; for reinstatement of construction permit.

Whereas, the consolidated proceeding on the above-entitled matters is scheduled to be heard at Washington, D. C., on February 16, 1948; and

Whereas, Pinnacle Broadcasting Company (WWPB) has advised the Commission that it does not desire to be heard in the above-entitled matter for Revocation Order of Construction Permit of Station WWPB; and further requests the Commission to accept the voluntary surrender of the construction permit of Station WWPB and to cancel the Revocation Order in Docket No. 8536;

It is ordered, This 13th day of February 1948, on the Commission's own motion, that the said consolidated hearing on the above-entitled matters be, and it is hereby, continued to 10:00 a. m., Thursday, March 4, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1529; Filed, Feb. 19, 1948;
8:56 a. m.]

WSBC, BENNETTSVILLE, S. C.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on February 9, 1948, there was filed with it an application (BAL-700) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WSBC, Bennettsville, South Carolina from Loys Marsden Hawley to Bennettsville Broadcasting Company, Charleston, South Carolina. The proposal to assign the license arises out of a contract of December 23, 1947, pursuant to which the above station and all its equipment and properties would be sold to John W. Orrin and Malcolm A. Young for a total consideration of \$23,000 of which \$5,000 was paid in cash on January 2, 1948, the remaining \$18,000 being subject to escrow agreement with South Carolina National Bank of Charleston, South Carolina. Said agreement was assigned by the purchasers on December 23, 1947, to Bennettsville Broadcasting Company to which it is proposed to assign the license. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on February 9, 1948, that starting on said date notice of the filing of the application would be inserted in Columbia State, a newspaper of general circulation in Columbia, South Carolina in conformity with the above section.

In accordance with the procedure set out in said section 5, no action will be had upon the application for a period of 60 days from February 9, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1513; Filed, Feb. 19, 1948;
8:53 a. m.]

AM STATION WBMS AND FM STATION WTTT, BOSTON, MASS.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on February 6, 1948, there was filed with it an application (BL-699) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WBMS and as-

¹ Section 1.321, Part 1, Rules of Practice and Procedure.

signment of permit of FM station WTTR from Templeton Radio Manufacturing Corporation to WBMS, Inc., Exchange Realty Building, Steubenville, Ohio. The proposal to assign the license of AM station WBMS and the permit for FM station WTTR arises out of a contract of January 2, 1948, pursuant to which the licensee corporation has agreed to sell all the equipment and properties of the above stations to John J. Laux and Jack N. Berkman, Trustees of Steubenville, Ohio, for total purchase price of \$175,000 of which \$25,000 was deposited in escrow, the remaining \$150,000 to be paid by cash or certified check within 30 days after the proposal is approved by the Commission. Under the contract, adjustments as to incomes, expenses, etc. are to be made between the parties as of January 1, 1948. If the arrangements are not approved within ten months from the execution of the agreement either party may terminate the agreement on notice. The agreement explicitly provides that the rights thereunder may be assigned by the trustees to a corporation to be formed in which event the obligations thereunder will become the obligations of the corporation and the trustees shall be relieved from liability. On January 22, 1948, the contract was assigned to WBMS, Inc. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on February 9, 1948, that starting on February 10, 1948, notice of the filing of the application would be inserted in the Boston Daily Record, a newspaper of general circulation at Boston, Mass., in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from February 10, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1514; Filed, Feb. 19, 1948;
8:53 a. m.]

CLASS B FM BROADCAST STATIONS
REVISED TENTATIVE ALLOCATION PLAN

List of changes in Revised Tentative Allocation Plan for Class B FM Broadcast Stations, dated June 13, 1947 (12 F. R. 4031, 5437, 6629; 13 F. R. 236)

General area	Channels		Date of change
	Deleted	Added	
Shamokin, Pa.....	284	275	Feb. 12, 1948
Sunbury, Pa.....	275	284	Do.
Green Bay, Wis.....	289	222	Do.
Appleton, Wis.....	222	295	Do.
Crewe, Va.....		284	Do.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1515; Filed, Feb. 19, 1948;
8:54 a. m.]

CALL OF HOUSTON, INC.

NOTICE CONCERNING THE PROPOSED
TRANSFER OF CONTROL¹

The Commission hereby gives notice that on February 4, 1948, there was filed with it an application (BTC-614) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Call of Houston, Inc. (formerly Lee Segall Broadcasting Company) permittee of KCOH and KCOH-FM from William A. Smith to William A. Smith, E. C. Hughes and Ed Hoffman, Houston, Texas. The proposal to transfer of control arises out of a contract of December 16, 1947, pursuant to which William A. Smith proposes to sell to each of said Hughes and Hoffman 83 1/3 shares out of 250 shares of common voting stock which would be outstanding for a consideration to be paid by each of \$8,333.33. The purchase price would be deposited by each person with the Citizens State Bank of Houston as escrow agent. Each of the parties to the contract, i. e., Smith, Hughes, and Hoffman agree to loan the company \$20,000 upon the promissory notes of the company. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on February 4, 1948, that starting on February 6, 1948, notice of the filing of the application would be inserted in a newspaper of general circulation at Houston, Texas, in conformity with the above section.

In accordance with the procedure set out in said section 5 no action will be had upon the application for a period of 60 days from February 6, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1546; Filed, Feb. 19, 1948;
9:32 a. m.]

¹ Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. E-6114]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING
ISSUANCE OF PROMISSORY NOTES

FEBRUARY 16, 1948.

Notice is hereby given that, on February 16, 1948, the Federal Power Commission issued its order entered February 13, 1948, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1490; Filed, Feb. 19, 1948;
8:49 a. m.]

[Docket No. E-6120]

FLORIDA POWER CORP.

NOTICE OF ORDER AUTHORIZING AND APPROVING
ISSUANCE OF PROMISSORY NOTES

FEBRUARY 16, 1948.

Notice is hereby given that, on February 13, 1948, the Federal Power Commission issued its order entered February 13, 1948, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1491; Filed, Feb. 19, 1948;
8:49 a. m.]

[Docket No. E-6122]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

FEBRUARY 17, 1948.

Notice is hereby given that on February 16, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of \$1,000,000 principal amount of First Mortgage Bonds, bearing interest at the rate of 3 1/4% annually, to be dated February 1, 1948, and to be issued after that date but on or before March 31, 1948, and to mature on February 1, 1978; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 6th day of March 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1548; Filed, Feb. 19, 1948;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Special Directive 49]

LOUISVILLE AND NASHVILLE RAILROAD CO. DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On February 12, 1948, The Louisville and Nashville Railroad Company has certified that it has on that date in storage and in cars a total supply of less than 16 days of fuel coal in the Alabama district, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Louisville and Nashville Railroad Company is directed:

(1) To furnish daily to the mines listed in Appendix A cars for the loading of Louisville and Nashville Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Louisville and Nashville Railroad fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

(5) To advise this office when its total supply of fuel coal including fuel stock piled or cars loaded on its lines reaches the amount of 16 days' supply.

A copy of this special directive shall be served upon The Louisville and Nashville Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

APPENDIX A

Mine	Number of cars per week
Grapevine Coal Corp.	20
Crescent Coal Co.	125
Hart Ross Coal Co.	60
Meador Young & Holt Coal Co., Bluff Hill Mine.	40
Meador Young & Holt Coal Co., Tulno Mine.	10
Chapman Coal Co.	36
Williams Coal Co.	35
West Kentucky Coal Co.	250

Mine—Continued	Number of cars per week
Black Diamond Coal Mining Co.	39
Kirkpatrick Coal Co.	45
Nashville Coal Co.	60
Rogers Bros. Coal Co.	125
W. A. Wickliffe Coal Co.	100
Beaver Dam Coal Co., Kentucky Winner Mine.	90

[F. R. Doc. 48-1495; Filed, Feb. 19, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1032]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, Without Par Value, of Virginia Electric and Power Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 8, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-1504; Filed, Feb. 19, 1948; 8:50 a. m.]

[File Nos. 54-75, 70-729]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth") a registered

holding company. Applicant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 26, 1948 at 5:30 p. m., e. s. t., request the Commission that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$3 per share or an aggregate of \$4,323,741 on the shares of its outstanding preferred stock. The dividend was declared on February 5, 1948, and is payable on the 28th day after the date of the order of this Commission permitting such payment or on April 1, 1948, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on March 12, 1948, whichever date is later.

The pending application is similar in substance to applications heretofore filed by Commonwealth for the approval of like quarterly dividends, the first payment of which was dated July 4, 1946.

The applicant requests that the Commission's order be issued herein on or before March 1, 1948 and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 48-1503; Filed, Feb. 19, 1948; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9723, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 10589]

DEUTSCHE BETRIEBESGESELLSCHAFT FÜR
DRAHTLOSE TELEGRAPHIE M. B. H.
(DEBEG)

In re: Debt owing to Deutsche Betriebs-
gesellschaft für drahtlose Telegrafie
m. b. H. (DEBEG). F-23-9541-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Betriebsgesellschaft für drahtlose Telegrafie m. b. H. (DEBEG), the last known address of which is Hardenbergstr. 29, Berlin-Charlottenberg 2, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Betriebsgesellschaft für drahtlose Telegrafie m. b. H. (DEBEG) by the Federal Communications Commission, Washington, District of Columbia, in the amount of \$424.45 as of December 31, 1945, arising out of money collected from American companies for radiotelegraph traffic to and from ships controlled by the American companies, through German coastal stations, and being a portion of the sum of money on deposit with the United States Treasury Department, in a Special Deposit fund Number 278133, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1533; Filed, Feb. 19, 1948; 8:56 a. m.]

[Vesting Order 10631]

SARAH C. ROBSON AND NORTHERN TRUST CO.

In re: Indenture of trust between Sarah C. Robson and the Northern Trust Company of Chicago, trustee, dated April 21, 1927. File No. D-28-10582.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Charlotte Berry, Herman Helwig, Walter Helwig, and Willy Helwig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs of Frau Charlotte Berry, Herman Helwig, Walter Helwig, and Willy Helwig, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany).

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust estate created by indenture of trust between Sarah C. Robson and the Northern Trust Company of Chicago, Trustee, dated April 21, 1927, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs of Frau Charlotte Berry, Herman Helwig, Walter Helwig, and Willy Helwig, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1537; Filed, Feb. 19, 1948; 8:57 a. m.]

[Vesting Order 10634]

CLARA ROSA SCHOTT

In re: Estate of Clara Rosa Schott, deceased. File No. D-28-11845; E. T. sec. 16042.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Welmer, Hanna Pusch, Franz Schott, Paula Bley, Ernst Schott, and Frieda Hofman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$734.99 was paid to the Attorney General of the United States by Delmar Grubel, Administrator of the Estate of Clara Rosa Schott, deceased;

3. That the said sum of \$734.99 was accepted by the Attorney General of the United States on September 25, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$734.99 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1538; Filed, Feb. 19, 1948; 8:57 a. m.]